

Enactments in Parliament

•
• Volume V

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Enactments in Parliament

specially concerning the
Universities of Oxford and Cambridge
the Colleges and Halls therein and
the Colleges of Winchester
Eton & Westminster

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MCM XII

ENACTMENTS IN PARLIAMENT

11^o GEO. IV. & 1^o GUL. IV. CAP. LXIV.

An Act to permit the general Sale of Beer and
Cyder by Retail in *England*.

[23d July 1830.]

[This Act allowed Beerhouses to be kept by holders of
excise licences without any licence from Justices.¹]

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or any of the Powers and Authorities vested by Charter or otherwise in the Chancellors, Masters, and Scholars of the said Universities, and their Successors, . . .²

Act not to
affect the
Two Uni-
versities,
nor the
Vintners
Company
in London;

1^o GUL. IV. Cap. 5.

An Act to effect an Exchange between the Chancellor, Masters, and Scholars of the University of *Cambridge*, and the Master, Fellows, and Scholars of the College or Hall of the Holy Trinity commonly called *Trinity Hall*, in the same University, of Lands situate in the Parish of *Saint Andrew the Less* in the Town of *Cambridge* in the County of *Cambridge*; and for authorizing the Removal of the present Botanic Garden of the said Uni-

¹ More stringent regulations were made by later Beerhouse Acts including that of 1840 (3 & 4 Vict. c. 61), s. 22 of which repeats *verbatim* the saving for the Universities in s. 29 of this Act; and by 32 & 33 Vict. c. 27 (*infra*) a Justices' certificate or licence was made a condition for the grant of an excise licence for a Beerhouse.

² As to the claim of the Vice-Chancellor to grant licences for alehouses in *Cambridge* see 9 Ann. c. 16 [c. 23., Ruff.] s. 54 (*supra*) and 19 & 20 Vict. c. xviii. s. 8 (*infra*), and notes to those sections.

A. D. 1831. versity to a new and more eligible Site; and for other Purposes. [30th March 1831.]

[The preamble, after reciting indentures of lease and release whereby in August, 1762, Richard Walker D.D. Vice-Master of Trinity College, conveyed to the University a freehold messuage, formerly part of St. Austin Friery, in Free School Lane in the parish of St. Edward in Cambridge, 1^a 3^r 0^p of garden ground in the same parish, and other freehold messuages in Free School Lane, and about an acre of ground held on lease from the Town Corporation, for the purpose of making and establishing a public Botanic Garden for the use of the University and of appointing a Reader on Botany and a Curator of the Garden, and an indenture of the 28th of March, 1783, by which the Town Corporation granted to the University a lease of the above-mentioned leasehold ground, consisting of a messuage and garden in Fair Yard Lane, and the Tenter Yard then used as part of the Botanic Garden, for 999 years at a nominal rent, sets forth that a Botanic Garden was shortly after the date of the said indenture of release duly made, that its site at the time was near the outskirts of the town, but is now nearly surrounded by buildings, and that the site, which contains about three acres and one half of ground, is much too small; that there is in the parish of St. Andrew the Less a parcel of ground belonging to Trinity Hall, which contains 38^a 0^r 23^p and is well suited for the site of a Botanic Garden, and another parcel of ground belonging to the University, which contains 7^a 3^r 2^p, that the former parcel of ground (subject to a lease thereof) has been valued at £2998 7s. 4d., and the latter at £787 19s. 4d., and that an agreement has been made for the exchange of the two parcels and for the payment of £2210 8s. 6d. by the University to Trinity Hall by way of equality of exchange:

The Act gives effect to the exchange and vests the pro-

erty accordingly from the passing thereof; provides A. D. 1831. for the purchase of land for Trinity Hall with the money to be paid by the University for equality of exchange; directs that a new Botanic Garden shall be formed on the parcel of ground so vested in the University, and that this shall be subject to all the conditions, regulations, and government appointed for the present Garden by the Founder; authorizes the removal of all plants and buildings from the present Garden to the new one; empowers the University to purchase additional land to the extent of six acres adjoining the new site, and to sell the site of the present Garden; and enables Trinity Hall to grant building leases for 99 years of the parcel of ground which it acquires under the Act.]

• 1° & 2° GUL. IV. CAP. XXXIV.

An Act for appointing Commissioners to continue the Enquiries concerning Charities in *England* and *Wales* for Two Years, and from thence to the End of the then next Session of Parliament.¹

[15th October 1831.]

[The first section after reciting the Act 58 Geo. 3. c. 91 (*supra*) for appointing Commissioners, the extending and continuing Act 59 Geo. 3. c. 81 (*supra*), and the continuing Acts 5 Geo. 4. c. 58, and 10 Geo. 4. c. 57, and that the powers of the Commissioners expired on the 1st of July, 1830, empowers the King to appoint Commissioners to enquire into the nature and management of Charities.]

XVI. And be it further enacted, That this Act or any Act not to of the Provisions therein contained shall not extend or be extend to construed to extend to either of the Universities of *Oxford* cities and

¹ This Act expired on the 15th of August, 1834. See 5 & 6 Will. 4. c. 71 (*infra*).

A. D. 1831.
or certain
Schools,
&c.

or *Cambridge*, nor to any College or Hall within the same, nor to any Schools or other Endowments of which the said Universities, Colleges, or Halls are Trustees; nor to the Colleges of *Westminster*, *Eton*, or *Winchester*; nor to the *Charter House*; nor to the Royal Hospitals of *Christ*, *Bridewell*, *Saint Thomas the Apostle*, *Saint Bartholomew*, and *Bethlem*; nor to the Schools of *Harrow* or *Rugby*, or any of them; nor to any Cathedral or Collegiate Church within *England* or *Wales*; nor to the Corporation of the Trinity House of *Deptford Strond*; nor to any Funds applicable to the Benefit of any Persons of the Jewish Persuasion, or the People called *Quakers*, or Persons of the Roman Catholic Persuasion, and which shall be under the Superintendence and Control of Persons of such Persuasions respectively.

1° & 2° GUL. IV. CAP. XLV.

An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies*; and for other Purposes.¹
[15th October 1831.]

29 C. 2.
c.

WHEREAS by an Act passed in the Twenty-ninth Year of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies*, it was amongst other things enacted, that all and every Augmentation, of what Nature soever, granted, reserved, or agreed to be made payable, or intended to be granted, reserved, or made payable, since

¹ See further as to augmentation of benefices 17 & 18 Vict. c. 84 (*infra*), 23 & 24 Vict. c. 59. ss. 7 and 11 (*infra*), and, in the case of Oxford Colleges, 20 & 21 Vict. c. 25. s. 3 (*infra*).

the First Day of June in the Twelfth Year of His said A. D. 1831. Majesty's Reign, or which should at any Time thereafter be granted, reserved, or made payable to any Vicar or Curate, or reserved by way of Increase of Rent to the Lessors, but intended to be to or for the Use or Benefit of any Vicar or Curate, by any Archbishop, Bishop, Dean, Provost, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, Person or Persons whatsoever, so making the said Reservation out of any Rectory Improprite or Portion of Tithes belonging to any Archbishop, Bishop, Dean, Provost, Dean and Chapter, or other Ecclesiastical Corporation, Person or Persons, should be deemed and adjudged to continue, and be and should for ever thereafter continue and remain, as well during the Continuance of the Estate or Term upon which the said Augmentations were granted, reserved, or agreed to be made payable, as afterwards, in whose Hands soever the said Rectories or Portion of Tithes should be or come, which Rectories or Portions of Tithes should be chargeable therewith, whether the same should be reserved again or not; and the said Vicars and Curates respectively were thereby adjudged to be in the actual Possession thereof for the Use of themselves and their Successors, and the same should for ever thereafter be taken, received, and enjoyed by the said Vicars and Curates, and their Successors, as well during the Continuance of the Term or Estate upon which the said Augmentations were granted, reserved, or agreed to be made payable, as afterwards; and the said Vicars and Curates should have Remedy for the same, either by Distress upon the Rectories Improprite or Portions of Tithes charged therewith, or by Action of Debt against that Person who ought to have paid the same, his Executors or Administrators, any Disability in the Person or Persons, Bodies Politic or Corporate so granting, or any Disability or Incapacity in the Vicars or Curates to whom or to or for whose Use or Benefit the same were granted or intended to be granted, the Statute of Mortmain, or any other Law, Custom, or other Matter or Thing what-

A.D. 1831. soever, to the contrary notwithstanding; provided always, that no future Augmentation should be confirmed by virtue of the said Act which should exceed One Moiety of the clear yearly Value above all Reprises of the Rectory Improprate out of which the same should be granted or reserved; and it was thereby also enacted, that if any Question should thereafter arise concerning the Validity of such Grants, or any other Matter or Thing in that Act mentioned and contained, such favourable Constructions, and such Remedy, if need be, should be had and made for the Benefit of the Vicars and Curates as theretofore had been had and made or might be had for other charitable Uses upon the Statutes for charitable Uses: And whereas it is expedient that the Powers and Provisions of the said Act should be amended and enlarged; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Provision by which the Amount of any Augmentation is restricted and limited to One Moiety of the clear yearly Value above all Reprises of the Rectory Improprate out of which the same should be granted and reserved, shall, so far as relates to any Augmentation which may be granted after the passing of this Act, be and the same is hereby repealed.

Provision
in recited
Act limit-
ing any
Augmenta-
tion
repealed.

Explaining
Doubts as
to Portion
of Tithes,
&c.

II. And whereas Doubts may arise by reason of the Mention of Portion of Tithes in the said recited Act; be it enacted, That the Provisions of the said recited Act shall extend to any Augmentation to be made out of Tithes, although the same may not be a Portion of Tithes; and further, that it shall be lawful, under the Power given by the said recited Act, to grant, reserve, or make payable any such Augmentation as aforesaid to the Incumbent of any Church or Chapel within the Parish or Place in which the Rectory Improprate shall lie, or in which the Tithes or Portion of Tithes shall arise, (as the Case may be,) whether such Incumbent shall be a Vicar or Curate, or

otherwise: Provided also, that no such Augmentation shall be made payable to any other Person whomsoever. A. D. 1837.

III. And be it further enacted, That in every Case in which any Augmentation shall at any Time hereafter be granted, reserved, or made payable to the Incumbent of any Church or Chapel, or reserved by way of Increase of Rent to the Lessors, but intended to be to or for the Use or Benefit of any Incumbent, by the Master and Fellows of any College, or the Master or Guardian of any Hospital so making the said Grant or Reservation out of any Rectory Improprite, or Tithes, or Portion of Tithes, belonging to the Master and Fellows of such College, or the Master or Guardian of such Hospital, all the Provisions herein-before recited and set forth, except the Provision herein-before repealed, shall apply to such Case in the same Manner as if the same Provisions, except as aforesaid, (with such Alterations therein as the Difference between the Cases would require,) were herein expressly set forth and enacted with reference thereto: Provided always, that every such Augmentation shall be made to the Incumbent of some Church or Chapel within the Parish or Place in which the Rectory Improprite shall lie, or in which the Tithes or Portion of Tithes shall arise (as the Case may be).

Recited Act to extend to Augmentations by Colleges and Hospitals.

IV. And be it further enacted, That in every Case in which any Augmentation shall at any Time hereafter be granted, reserved, or made payable to the Incumbent of any Church or Chapel being in the Patronage of the Grantor or Grantors, or Lessor or Lessors, or be reserved by way of Increase of Rent to the Lessor or Lessors, but intended to be to or for the Use or Benefit of any such Incumbent, by any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, Person or Persons whatsoever, or the Master and Fellows of any College, or the Master or Guardian of any Hospital so making the said Grant or Reservation out of any Lands, Tenements, or other Hereditaments belonging to such Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon,

The same Statute to extend to Augmentations made by Spiritual Persons, Colleges, and Hospitals, out of any Hereditaments, to any Church or Chapel being in their Patronage.

A. D. 1831. **Prebendary, or other Ecclesiastical Corporation, Person or Persons whatsoever, or the Master and Fellows of such College, or the Master or Guardian of such Hospital, all the Provisions herein-before recited and set forth (except the Provision herein-before repealed) shall apply to such Case in the same Manner as if the same Provisions, except as aforesaid, (with such Alterations therein as the Difference between the Cases would require,) were herein expressly set forth and enacted with reference thereto.**

V. Provided also, and be it further enacted and declared, That every Augmentation which at any Time hereafter shall be granted, reserved, or made payable, either under the Power given by the said recited Act, or under either of the Powers herein-before contained, shall be in the Form of an annual Rent, and that the Provisions of the said recited Act, and the Provisions herein-before contained, shall not apply to any other kind of Augmentation whatsoever to be made after the passing of this Act.

VI. And be it further enacted and declared, That where any such Rectory Improprite, or Tithes, or Portion of Tithes, or any such Lands, Tenements, or other Hereditaments as aforesaid, shall respectively be subject to any Lease on which an annual Rent shall be reserved or be payable to the Person or Persons or Body Politic making the Augmentation, it shall be lawful, during the Continuance of such Lease, to exercise the Power given by the said recited Act, or either of the Powers herein-before contained, (so far as the same shall apply,) by granting to the Incumbent of the Benefice intended to be augmented a Part of the Rent which shall be so reserved or made payable as aforesaid, and then and in every such Case the same Premises shall for ever, as well after the Determination of such Lease as during the Continuance thereof, be chargeable to such Incumbent, and his Successors, with the Augmentation which shall have been so granted to him as aforesaid; and from and after such Time as Notice of the said Grant shall be given to the Person or Persons entitled in Possession under the said Lease, and thence-

All such Augmentations to be in the Form of annual Rents.

Where Hereditaments are in Lease, a Part of the reserved Rent may be granted as an Augmentation.

forth during the Continuance of the same, such Incumbent, A.D. 1831. and his Successors, shall have all the same Powers for enforcing Payment of such Augmentation as the Person or Persons or Body Politic by whom the Augmentation shall have been granted might have had in that Behalf in case no Grant of the same had been made; and, after the Determination of the said Lease, the said Incumbent, and his Successors, shall have such Remedy for enforcing Payment of such Augmentation as aforesaid as is provided by the said recited Act with respect to Augmentations granted, reserved, or made payable under the Authority thereof.

VII. And be it further enacted, That where any such Rectory Improprite, or Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments as aforesaid, shall be subject to any Lease for any Term not exceeding Twenty-one Years or Three Lives, or (in the Case of such Houses as under the Provisions of the Act passed in the Fourteenth Year of the Reign of Her Majesty Queen *Elizabeth*, intituled *An Act for Continuation, Explanation, perfecting, and enlarging of divers Statutes*,¹ may lawfully be leased for Forty Years,) not exceeding Forty Years, on which Lease the most improved Rent at the Time of making the same shall not have been reserved, it shall be lawful at any Time during the Continuance of such Lease to exercise the Power given by the said recited Act, or either of the Powers herein-before contained, by granting out of the said Premises an Augmentation, to take effect in Possession after the Expiration, Surrender, or other Determination of such Lease, and then and in every such Case the said Premises shall, from and after the Expiration, Surrender, or other Determination of the said Lease, and for ever thereafter, be chargeable with the said Augmentation; and the Provisions of the said recited Act and of this Act respectively shall in all respects apply to every Augmentation which shall be so granted in the same Manner as in other Cases of Augmentations to be granted under the Powers of the said recited Act or of this Act.

Where Hereditaments are subject to a Lease not reserving a Rack Rent, an Augmentation may be granted, to take effect on the Determination of such Lease.

¹ 14 Eliz. c. 11 (*supra*).

A. D. 1831.

Power in
such Cases
to defer
the Com-
mencement
of the
Augmenta-
tion upon
a Renewal
of the
Lease.

VIII. And whereas it is apprehended that it may be desirable in many Cases to make Grants of Augmentations in the Manner last herein-before mentioned, and that such Grants would be much discouraged if the Augmentation to be granted should necessarily take effect in Possession upon a Surrender of the Lease during which the same had been granted as aforesaid for the Purpose of such Lease being renewed; be it therefore further enacted, That in any Case in which an Augmentation shall have been granted to take effect in Possession after the Expiration, Surrender, or other Determination of any Lease in the Manner authorized by the Clause last herein-before contained, and a Renewal of such Lease shall take place before the Expiration thereof, it shall be lawful in and by the renewed Lease to defer the Time from which such Augmentation is to take effect in Possession as aforesaid until any Time to be therein specified in that Behalf: Provided always, that the Time to which the Augmentation shall be so deferred shall be some Time not exceeding Twenty-one Years, or (in the Case of such Houses as by the said Act of Her Majesty Queen *Elizabeth* may lawfully be leased for Forty Years) not exceeding Forty Years, to be respectively computed from the Commencement of the Lease during which the Augmentation shall have been granted.

Power to
apportion
Augmenta-
tions on
future
Leases.

IX. Provided always, and be it further enacted, That where any such Augmentation as aforesaid shall have become chargeable, under or by virtue of the said recited Act or of this Act, upon any Rectory Improprite, Tithes, Portion of Tithes, Lands, Tenements, or other Hereditaments, if any Lease shall afterwards be granted of any Part of the same Premises separately from the rest thereof, then and in every such Case, and from Time to Time so often as the same shall happen, it shall be lawful for the Person or Persons granting such Lease to provide and agree that any Part of such Augmentation shall during such Lease be paid out of such Part of the Hereditaments previously charged therewith as shall be comprised in the

said Lease, and then and in such Case, and thenceforth during the Lease so to be made as aforesaid, no further or other Part of the said Augmentation shall be charged on the Premises comprised in the said Lease than such Part of the said Augmentation as shall be so agreed to be paid out of the same: Provided always, that in every such Case the Hereditaments which shall be leased in Severalty as aforesaid shall be a competent Security for such Part of the said Augmentation as shall be agreed to be paid out of the same, and the Remainder of the Hereditaments originally charged with the said Augmentation shall be a competent Security for the Residue thereof.

Restriction on the Exercise of the Power of Apportionment.

X. And whereas by the said recited Act it was enacted, that if upon the Surrender, Expiration, or other Determination of any Lease wherein such Augmentation had been or should be granted, any new Lease of the Premises, or any Part thereof, should thereafter be made without express Continuance of the said Augmentation, every such new Lease should be utterly void; be it further enacted, That the said last-mentioned Provision, so far as relates to any Augmentation which may be granted after the passing of this Act, shall be and the same is hereby repealed.

Repeal of so much of recited Act as requires an express Continuance of the Augmentation in new Leases.

XI. And be it further enacted, That it shall be lawful for any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation, or Person or Persons, or the Master and Fellows of any College, or the Master or Guardian of any Hospital, being, in his or their corporate Capacity, the Owner or Owners of any Rectory Improper, or of any Tithes, or Portion of Tithes, arising in any particular Parish or Place, by a Deed duly executed, to annex such Rectory Improper, or Tithes, or Portion of Tithes as aforesaid, or any Lands or Tithes, being Part or Parcel thereof, with the Appurtenances, unto any Church or Chapel within the Parish or Place in which the Rectory Improper shall lie, or in which the Tithes or Portion of Tithes shall arise, to the Intent and in order that the same may be held

Ecclesiastical Corporations, Colleges, &c. holding Improper Rectories or Tithes, may annex the same to any Church or Chapel within the Parish in which the Rectory lies or the Tithes arise.

A. D. 1831. and enjoyed by the Incumbent for the Time being of such Church or Chapel; and every such Deed shall be effectual to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding.

XII. And be it further enacted, That it shall be lawful for any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, or other Ecclesiastical Corporation or Person or Persons, or the Master and Fellows of any College, or the Master or Guardian of any Hospital, being, in his or their corporate Capacity, the Owner or Owners of any Lands, Tenements, or other Hereditaments whatsoever, and also being in his or their corporate Capacity the Patron or Patrons of any Church or Chapel, by a Deed duly executed, to annex such Lands, Tenements, or other Hereditaments, with the Appurtenances, unto such Church or Chapel, to the Intent and in order that the same Premises may be held and enjoyed by the Incumbent for the Time being thereof; and every such Deed shall be effectual to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding.

XIII. Provided always, and be it further enacted, That in any Case in which any Rectory Improprite, Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments, shall be annexed to any Church or Chapel, pursuant to either of the Powers herein-before in that Behalf contained, the Annexation thereof shall be subject and without Prejudice to any Lease or Leases which previously to such Annexation may have been made or granted of the same Premises or any Part thereof; provided also, that in every such Case any Rent or Rents which may have been reserved in respect of the said Premises in and by such Lease or Leases, or (in case any other Hereditaments shall have been also comprised in such Lease or Leases) some proportional Part of such Rent or Rents, such proportional Part to be fixed and determined in and by the Instrument by which the Annexation shall be made, shall during the Continuance of the said Lease or Leases be payable to the Incumbent for the Time being of the Church or Chapel to

which the Premises shall be annexed^a as aforesaid; and accordingly such Incumbent for the Time being shall, during the Continuance of such Lease or Leases, have all the same Powers for enforcing Payment of the same Rent or Rents, or of such proportional Part thereof as aforesaid, as the Person or Persons or Body Politic by whom the Annexation shall have been made might have had in that Behalf in case the said Premises had not been annexed. A. D. 1831.

XIV. And be it further enacted and declared, That where any Rectory Improprite, Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments, which shall be annexed to any Church or Chapel under either of the Powers herein-before in that Behalf contained, or any Part thereof, shall have been anciently or accustomably demised with other Hereditaments in One Lease, under One Rent, or divers Rents issuing out of the Whole, and after such Annexation such other Hereditaments as aforesaid, or any Part thereof, shall be demised by a separate Lease or Leases, all the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King George the Third, intituled *An Act for explaining and amending several Acts made in the Thirty-second Year of King Henry the Eighth, and the First, Thirteenth, and Fourteenth Years of the Reign of Queen Elizabeth, so far as respects Leases granted by Archbishops, Bishops, Masters, and Fellows of Colleges, Deans and Chapters of Cathedral and Collegiate Churches, Masters and Guardians of Hospitals, and others, having any Spiritual or Ecclesiastical Living or Promotion*, shall apply and take effect in the same Manner as if the Premises which shall be so annexed as aforesaid had been retained in the Possession or Occupation of the Person or Persons by whom such Lease or Leases as aforesaid shall be made.

Provisions
of 39 & 40
G. 3. c. 41.¹
to extend
to such
Annexa-
tions, in
certain
Cases.

XV. And be it further enacted, That such of the Powers herein-before contained as are restricted to Cases in which the Corporation or Person by whom the same may be exercised shall be the Patron of the Benefice which it

Certain
Powers to
apply to
Persons
entitled to
alternate

¹ *Supra.*

A. D. 1831. shall be intended or desired to augment, shall apply to and may be exercised in Cases in which such Corporation or Person shall be entitled only to the alternate Right of Presentation to such Benefice.¹

Benefices exceeding in yearly Value 300*l.* not to be raised, and all others to be limited.

XVI. Provided always, and be it further enacted, That the Power given by the said recited Act shall not at any Time hereafter, nor shall any of the Powers herein-before contained, in any Case, be exercised so as to augment in Value any Benefice whatsoever, which at the Time of the Exercise of the Power shall exceed in clear annual Value the Sum of Three hundred Pounds, or so as to raise the clear annual Value of any Benefice to any greater Amount than such Sum of Three hundred and fifty Pounds, or Three hundred Pounds, not taking account of Surplice Fees.

Power to determine the yearly Value of any Hereditaments for the Purposes of the Act.

XVII. And be it further enacted, That in every Case in which it shall be desired, upon the Exercise of any of the said Powers, to ascertain, for the Purposes of this Act, the clear yearly Value of any Benefice, or of any Rectory Impropriate, Tithes, or Portion of Tithes, Lands, Tenements, or other Hereditaments, it shall be lawful for the Archbishop or Bishop of the Diocese within which the Benefice to be augmented shall be situate, or where the same shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then for the Archbishop or Bishop to whom such Peculiar Jurisdiction shall belong, to cause such clear yearly Value to be determined and ascertained by any Two Persons whom he shall appoint for that Purpose, by Writing under his Hand, (which Writing is hereby directed to be afterwards annexed to the Instrument by which the Power shall be exercised,) and a Certificate of such clear yearly Value, written or endorsed on the Instrument by which the Power shall be exercised, and signed by such Persons as aforesaid, shall for all the Purposes of this Act be conclusive Evidence of such clear yearly Value as aforesaid.

Instruments to

XXVI. Provided always, and be it further enacted, That

¹ See further as to the definition of 'patron' 17 & 18 Vict. c. 84. s. 6 (*infra*).

in every Case in which the Power given by the said recited Act of the Twenty-ninth Year of the Reign of King *Charles* the Second, or any of the Powers herein-before contained, shall be exercised, the Instrument by which the same shall be so exercised shall within Two Calendar Months after the Date of the same be deposited in the Registry of the Diocese within which the Benefice augmented or otherwise benefited shall be locally situate, or where the same shall be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then in the Registry of such Peculiar Jurisdiction.

A. D. 1831.
be deposited in the Registry of the Diocese.

XXVIII. And be it further enacted, That the Word "Benefice" in this Act shall be construed and taken to comprehend Rectories, Vicarages, Donatives, Perpetual Curacies, Parochial and Consolidated Chapelries, District Parishes and District Chapelries, and Churches and Chapels having a District assigned thereto.

Extent of the Word "Benefice" in this Act.

XXIX. And be it further enacted, That the Powers by this Act given to the Master and Fellows of any College shall apply to Cases in which the Head of the College shall be called the Warden, Dean, Provost, President, Rector, or Principal thereof, or shall be called by any other Denomination, and that such Powers shall extend to every College, and Hall in the Universities of *Oxford* and *Cambridge*, and to the Colleges of *Eton* and *Winchester*.

Act to apply to all Heads of Colleges, under whatever Denomination.

2° & 3° GUL. IV. CAP. XLV.

An Act to amend the Representation of the People in *England* and *Wales*. [7th June 1832.]

A. D. 1832.

[This Act is the Reform Act of 1832.]

LXXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to or in anywise affect the Election of Members to serve in Parliament for the Universities of *Oxford* or *Cambridge*, or shall entitle any Person to vote in the Election of Members to serve in

This Act not to extend to Universities of *Oxford* and *Cambridge*.

A. D. 1832. Parliament for the City of *Oxford* or Town of *Cambridge* in respect of the Occupation of any Chambers or Premises in any of the Colleges or Halls of the Universities of *Oxford* or *Cambridge*.¹

2° & 3° GUŁ. IV. CAP. LXXX.

An Act to authorize the identifying of Lands and other Possessions of certain Ecclesiastical and Collegiate Corporations. [3d August 1832.]

WHEREAS the Archbishops and Bishops of the several Dioceses, and the Deans, and Deans and Chapters, Archdeacons, Prebendaries, and Canons, and other Dignitaries and Officers of the several Cathedral and Collegiate Churches and Chapels, and the Masters or other Heads, and Fellows and Scholars or other Societies of the several Colleges and Halls in the Universities of *Oxford* and *Cambridge*, and of the Colleges of *Winchester* and *Eton*, are Proprietors of divers Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments, and in many Cases the Boundaries or Quantities and the Identity of Lands within such Manors, and of such Messuages, Lands, Tenements, and Hereditaments, and of Lands subject to any such Tithes, or some Part or Parts thereof, are unknown or disputed, and it would be a great Benefit, as well to such Proprietors respectively, as to their Lessees, Copyhold or Customary Tenants, Sub-lessees, or Under-tenants, their, his, or her Heirs, Executors, Administrators, or Assigns, if the said Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments were identified, and the Boundaries and Quantities thereof ascertained and finally settled: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it

Arch-
bishops,

¹ This section was repealed by 48 & 49 Vict. c. 15. s. 15 (*infra*).

shall and may be lawful to and for any Archbishop, Bishop, A. D. 1832.
Dean, Dean and Chapter, or other Corporation Aggregate Bishops,
of Sole herein-before mentioned, to enter into an Agree- Deans and
ment of Reference, or Deed of Submission with his or their Chapters,
Lessee or Lessees, Copyhold or Customary Tenant or &c. may
Tenants, Sub-lessee or Sub-lessees, Under-tenant or Under- enter into
tenants, his, her, or their Heirs, Executors, Administrators, Agree-
or Assigns, or with the Owner or Owners of any other ments or
Hereditaments adjoining to or intermixed with the said Deeds of
Manors, Messuages, Lands, Tenements, Tithes, or Herc- Reference
ditaments, whereby it shall be agreed that any unknown with their
or disputed Boundaries or Quantities of such Manors, Lessees,
Messuages, Lands, Tenements, Tithes, or Hereditaments, to ascer-
or any Part thereof, shall be referred to the Adjudication tain and
of such Person or Persons as may be agreed upon and settle un-
named by the said Archbishop, Bishop, Dean, Dean and known or
Chapter, or other Corporation Aggregate or Sole, and by disputed
his or their Lessee or Lessees, Copyhold or Customary Boundaries
Tenant or Tenants, Sub-lessee or Sub-lessees, Under-tenant or Quantities of
or Under-tenants, his, her, or their Heirs, Executors, or Manors,
Administrators, or Assigns, or by such Owner or Owners &c. leased.
of any other Hereditaments situate as aforesaid; and that
such Referee or Referees shall be fully authorized to make Referees
or cause to be made Surveys, Maps, and Admeasurements to make
of the said Manors, Messuages, Lands, Tenements, Tithes, Surveys,
and Hereditaments, or any Part thereof, and to summon Maps, and
any Persons as Witnesses, and examine them on Oath Admea-
(which Oath he or they are hereby authorized to administer) surements ;
touching or concerning any of the Matters or Things so to summon
referred as aforesaid, or in any Way relating thereto; and and ex-
also to call for the Production of all Surveys, Maps, Deeds, amine
Books, Papers, and Writings in the Custody or Power of Witnesses
any of the Parties to the said Reference, or of any other on Oath ;
Person or Persons, of or concerning the Matters in question; to call for
and the said Referee or Referees, having well and suffi- all Deeds
ciently investigated and considered the same, and all &c. ;
Matters to him or them referred, shall and may make his
or their Award or Awards in Writing, under his or their
to make
Awards,
with Maps
thereto, on
Parchment
or Vellum.

A. D. 1832. Hand and Seal or Hands and Seals, with a Map or Maps drawn thereupon or thereunto annexed, and which said Award or Awards and Map or Maps shall be upon Parchment or Vellum, and shall award and determine, identify, delineate, and describe the Boundaries, Quantities, Particulars, and Situations of the said Manors, Messuages, Lands, Tenements, Tithes, and Hereditaments so referred to him or them as aforesaid; and the said Award or Awards and Map or Maps shall be laid before all the Parties to any such Agreement of Reference or Deed of Submission, including the Party or Parties whose Consent is required by this Act, whose Approbation thereof shall be written upon the said Award or Awards, and shall be signed and sealed by them, and thereupon the said Award or Awards and Map or Maps shall be for ever afterwards binding upon all Parties, and final and conclusive as to all Matters therein contained or thereby referred to.

Awards and Maps to be laid before Parties, and their Approbation to be written.

Certain Consents required to render valid Proceedings under this Act.

II. Provided always, and be it further enacted, That in every Case in which any of the Powers herein-before contained shall be exercised by any Bishop, Dean, Archdeacon, Prebendary, or other Ecclesiastical Corporation Sole, the Deed of Submission or Agreement of Reference, and also the Approbation of the Award, shall, in the Case of a Bishop, be executed by the Archbishop of the Province testifying his Consent thereto; or in Case of a Dean, the same shall be executed by the Dean and Chapter testifying their Consent thereto; or in the Case of an Archdeacon, Prebendary, or other Ecclesiastical Corporation Sole, the same shall be executed by the Archbishop or Bishop of the Diocese testifying his Consent thereto.

Power to Infants, married Women, Lunatics, &c. to enter into Reference.

III. And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Lessee or Lessees, Copyhold or Customary Tenant or Tenants, Sub-lessee or Sub-lessees, Under-tenant or Under-tenants, and such other Owner or Owners as herein-before named, his, her, or their Heirs, Executors, Administrators, or Assigns, who at the Time of making any Reference authorized by this Act shall be Tenant or

Tenants in Fee Tail, General or Special, or for Life or Lives, and for the Guardians, Husbands, Committees, or Attornies of or acting for any such Lessee or Lessees, Copyhold or Customary Tenant or Tenants, Sub-lessee or Sub-lessees, Under-tenant or Under-tenants, and such other Owner or Owners as hereinbefore named, his, her, or their Heirs, Executors, Administrators, or Assigns, who at the Time of making any such Reference shall be respectively an Infant or Infants, Feme Covert or Femmes Covert, or of unsound Mind, or beyond the Seas, or under any other legal Disability, or otherwise disabled to act for themselves, himself, or herself, to sign, seal, and deliver any Agreement of Reference or Deed of Submission or Approbation of any Award or Awards and Map or Maps authorized by this Act to be made, as fully and effectually to all Intents and Purposes as if such Lessee or Lessees, Copyhold or Customary Tenant or Tenants, Sub-lessee or Sub-lessees, Under-tenant or Under-tenants, and such other Owner or Owners as hereinbefore named, his, her, or their Heirs, Executors, Administrators, or Assigns, had been Tenant or Tenants in Fee Simple, and of full Age, sole, of sound Mind, or within the Realm of *England*, and not under any other legal Disability.

IV. And be it further enacted, That immediately after the Execution by the Parties of the Instrument shewing their Approbation of any Award to be made by virtue of this Act, the Agreement of Reference or Deed of Submission, and also the Award or Awards and Map or Maps, authorized to be made by this Act, and a Copy of the Minutes of Evidence whereupon the same is made, shall be deposited, in the Case of any Reference by any Archbishop or Bishop, in the Office of their own Registrar; and in case of any Reference by any Dean, Dean and Chapter, Archdeacon, Prebendary, Canon, and other Dignitary and Officer of a Cathedral or Collegiate Church or Chapel, in the Office of the Registrar of the Dean and Chapter thereof; and in case of any Reference by any Masters or other Heads, or by any Fellows and Scholars, or other

Agreements or Deeds of Reference, Awards and Maps, to be deposited in Registry of Archbishop, Bishop, &c.

A. D. 1832. Societies herein-before named, in the Office of the Steward or other proper Officer of their said Colleges and Halls ;
 Documents to be produced for Inspection. and every such Registrar, Steward, or other Officer, or some Person or Persons on his Behalf, shall produce the Documents and Papers so deposited with him, or any of them, at all proper and usual Hours of Business, to every Person interested in the Subject Matter of such Award, or to his or her Agent duly authorized, who shall make Application to inspect the same or any of them, and shall furnish a Copy or Copies of the same or any of them to every such Person or Agent who shall make Application for such Copy or Copies ; and every such Registrar, Registrar's Fees. Steward, or other Officer shall in every Case be entitled to the Sum of Five Shillings and no more for receiving and preserving the Agreement of Reference or Deed of Submission, Award or Awards, Map or Maps, and Copy of the Minutes of Evidence as aforesaid ; and the Sum of One Shilling and no more for every Production of the same or any of them to be inspected ; and the Sum of Sixpence and no more for every Folio containing Seventy-two Words of every Copy ; and the Sum of Ten Shillings and no more for every Copy of a Map so made as aforesaid.

Expences of Reference how to be paid. V. And be it further enacted, That the Expences attending every Reference which shall be made under the Authority of this Act, and all the Proceedings hereby required relating to the same, shall be paid and borne by the Parties thereto in such Manner, Shares, and Proportions as they shall agree ; and in case the said Parties shall not make any Agreement relating to such Expences, then all such Expences, or so much thereof as shall not be provided for by such Agreement, shall be paid and borne by the said Parties in equal Moieties.

Act limited to England and Wales. VI. Provided also, and be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England and Wales*.¹

¹ Where lands held by lease for years or for life or lives are intermixed with other lands and cannot be certainly identified, the Inclosure Commissioners are

2° & 3° GUL. IV. Cap. 43 [not printed].

An Act to repeal an Act passed in the Third Year A. D. 1832. of the Reign of His Majesty King *George* the Third, to enable the Master, Fellows, and Scholars of *Jesus College* in the University of *Cambridge* to alter and vary the Benefaction of Doctor *Edmund Proby* and Sir *Thomas Proby*, and to appropriate the same for the Benefit of the said College in the Augmentation of several small Rectories and Vicarages; and further to appropriate the said Benefaction.¹ [6th June 1832.]

[This Act repeals 3 Geo. 3. c. 36 (*supra*) except so far as it provided for the avoidance of fellowships by presentation to the Rectories and Vicarages of Harlton, Gravely, and Elmstead. It directs the accumulation and investment of the income of the benefaction, including those portions which were appropriated to the Vicarages of Swavesey, Guilden-Morden, Hinxton, Whittlesford, Comberton, St. Clement's, and All Saints, after the vacancy of each Vicarage respectively, and the application of the accumulations in augmenting first the Vicarage of Swavesey to £400 a year exclusive of surplice fees, then in succession the Vicarages of Guilden-Morden, Hinxton, Whittlesford, and Comberton, to £350 a year exclusive of surplice fees, then that

empowered by 9 & 10 Vict. c. 70. s. 8, whether an Inclosure be pending or not, on the application of the owner, lessee, and sub-lessee of the leasehold land, and of the owner of the land with which the leasehold land is intermixed, to identify the land comprised in the lease, or to determine the quantity, situation, and boundaries thereof, and to make an award thereon.

The Inclosure Commissioners were by 45 & 46 Vict. c. 38. s. 48 united with the Copyhold Commissioners and Tithe Commissioners to form the Land Commissioners for England, whose powers and duties were transferred by 52 & 53 Vict. c. 30. s. 2 to the Board of Agriculture, now the Board of Agriculture and Fisheries (3 Edw. 7. c. 31. s. 1 (1)).

¹ This Act was repealed by 16 & 17 Vict. c. 17 (*infra*).

A. D. 1832. of St. Clement's to an annual value equal to All Saints, then in paying in succession to the Vicars of Swavesey, Guilden-Morden, Whittlesford, and Comberton of £500 towards the erection of parsonage houses, then in augmentation of the Vicarage of Swavesey to £450 a year exclusive of surplice fees, and then in succession of the Vicarages of Guilden-Morden, Hinxton, Whittlesford, and Comberton to £400 a year exclusive of surplice fees. It further provides for the vacation of fellowships by fellows holding or being presented to Swavesey after augmentation to £400 a year or Guilden-Morden, Hinxton, Whittlesford, or Comberton after augmentation to £350 a year.]

3^o & 4^o GUL. IV. CAP. XXXI.

A. D. 1833. An Act to enable the Election of Officers of Corporations and other Public Companies now required to be held on the Lord's Day to be held on the *Saturday* next preceding, or on the *Monday* next ensuing. [24th July 1833.]

WHEREAS the Profanation of the Lord's Day is greatly increased by reason of certain Meetings which are usually or occasionally held thereon: And whereas it is the Duty of the Legislature to remove as much as possible Impediments to the due Observance of the Lord's Day; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Meeting or adjourned Meeting of any Vestry or Corporation, whether Ecclesiastical or Civil, or of any public Company, for the Nomination, Election, Appointment, swearing in, or Admission of any Officer or Officers, or for the Transaction of any other secular Affair of such Vestry, Corporation, or Company, and every other Meeting

Elections
of Officers
of Corporations and
other
public
Companies
now re-
quired to

of a public and secular Nature, which, according to any Act of Parliament, or according to any Charter, Grant, Constitution, Deed, Testament, Law, Prescription, or Usage whatsoever, is or shall be required to be held on any Lord's Day, or on any Day which shall happen to be on a Lord's Day, shall be held on the *Saturday* next preceding or on the *Monday* next ensuing, at the like Hour, with like Form and Effect, as if the same had been held on such Lord's Day; and every Matter transacted at any such Meeting or adjourned Meeting held upon any Lord's Day shall be absolutely void and of none effect, to all Intents and Purposes whatsoever: Provided always, that when no such Nomination, Election, Appointment, swearing in, or Admission shall have taken place on such *Saturday*, every Person whose Term of Office would, according to any such Act, Charter, Grant, Constitution, Deed, Testament, Law, Prescription, or Usage, have expired on any such Lord's Day, shall continue in Office, and exercise and enjoy all the Powers and Privileges annexed or relating to such Office, until and on such *Monday* next ensuing, in the same Manner as if such *Monday* had been the customary Day of Nomination, Election, Appointment, swearing in, or Admission.

A. D. 1833.
be held on a Sunday shall be held on the Saturday preceding or the Monday following.

If Election does not take place on the Saturday the Person holding the Office to continue so to do until the Monday.

II. And be it further enacted, That whenever the Nomination, Election, Appointment, swearing in, or Admission of any such Officer or Officers as before mentioned shall not take place on such *Saturday* or *Monday*, or shall become void, the Case shall be and is hereby declared to be within the Provisions of an Act made and passed in the Eleventh Year of His late Majesty King *George the First*, intituled *An Act for preventing the Inconveniences arising for Want of Elections of Mayors or other Chief Magistrates of Boroughs or Corporations being made upon the Days appointed by Charter or Usage for that Purpose, and directing in what Manner such Elections shall be afterwards made*, as fully and effectually as if such Officer or Officers had been expressly named in the said Act.¹

Elections not made on such Saturday or Monday shall be taken to be within the Provisions of 11 Geo. 1. c. 4.

¹ By 11 Geo. 1. c. 4, it is provided that where an election is not made on

3° & 4° GUL. IV. CAP. XC.

A. D. 1833. An Act to repeal an Act of the Eleventh Year of His late Majesty King *George* the Fourth, for the lighting and watching of Parishes in *England* and *Wales*, and to make other Provisions in lieu thereof. [28th *August* 1833.]

[Section 1 repeals 11 Geo. IV. c. 27 (*supra*). Section 76 is a *verbatim* repetition of s. 61 of the repealed Act.]

3° GUL. IV. Cap. 5.

An Act for effecting an Exchange between the Master or Keeper and Fellows or Scholars of *Corpus Christi College* in the University of *Cambridge*, and the Master or Keeper, Fellows and Scholars of *Pembroke Hall* in the same University. [10th *June* 1833.]

[The Act recites that *Corpus Christi College* had by two leases demised certain messuages and hereditaments described in the First and Second Parts of the First Schedule to *Pembroke Hall*; and by another lease had demised certain other messuages and hereditaments described in the Third part of the same Schedule to *John Phillips* for forty years from *Michaelmas*, 1826; that the said premises were contiguous to *Pembroke Hall* and in part used for the purposes thereof, and were a most desirable property to be possessed by that Society; and that the two Colleges had agreed on an

the proper day the electors may meet on the next day for the purpose and may then make a valid election; and that if this be not done the Court of King's Bench may award a writ of *Mandamus* for an election to be made on a day named in the writ. (G.)

3 & 4 WILL. 4] *Corpus Christi and Pembroke Colleges, Cambridge.* [Cap. 5

exchange of the said premises for lands belonging to A. D. 1833.

- Pembroke Hall described in the Second Schedule—being a farm called Norwood Farm at March in the Isle of Ely.

The Act then vests the premises described in the First Schedule in Pembroke Hall (subject as to part to the lease to John Phillips), and the premises described in the Second Schedule in Corpus Christi College subject (for equality of exchange) to a lease thereof to Pembroke Hall for thirty-three years and six months from Lady Day, 1833, at a rent of £100 10s. 0d.

The Act contains other usual clauses.

The First Part of the First Schedule comprises (with other messuages and appurtenances described by the names of their occupiers) 'A Piece of Ground, being Part of the Paschall Yard, with a Building called a Sphere House, and Stables, Coalhouse, Yard, and Appurtenances thereto belonging, in the Occupation of the said Master or Keeper, Fellows and Scholars of Pembroke Hall';

- the Second Part contains two messuages with appurtenances described by the names of their occupiers; and the Third Part two messuages and a Tennis Court with appurtenances in the occupation of John Phillips. All the Premises in this Schedule are stated to be in the Parish of St. Botolph in the Town of Cambridge.]

• 4° GUL. IV. Cap. xxii.

An Act to continue the Term and to alter and amend the Powers of an Act passed in the Fifty-fifth Year of the Reign of His Majesty King George the Third, for taking down and rebuilding *Folly Bridge* otherwise *Friars Bridge*, across the River *Isis*, in or near the City of *Oxford*. A. D. 1834.

[22d May 1834.]

A. D. 1834.

55 G. 3.
c. 94.¹

WHEREAS *by an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for taking down and rebuilding the Whole or Part of a certain Bridge across the River Isis in or near the City of Oxford, called Folly Bridge otherwise Friars Bridge, and for widening the same Bridge, and improving the Approaches thereto*, certain Magistrates, Officers, and Members of the University of *Oxford*, and of the Colleges and Halls therein, and of the City of *Oxford*, and of the Corporation of the said City, for the Time being respectively, together with certain Persons in the said Act named and described, were appointed the Trustees for putting the same in execution, and certain Tolls were granted to the said Trustees for a limited Term, to enable them to carry into execution the Purposes of the said Act: And whereas in pursuance of the Powers and Authorities of the said Act the Trustees for putting the same in Execution as aforesaid have built a new Bridge over the said River *Isis*, within the Limits directed by the said Act, and have altered and improved the Avenues, Ascents, and Approaches thereto, and have also straightened the Bed or Channel of the said River, and constructed, made, and set up certain Locks, Weirs, and Works necessary for penning a Head of Water within the Limits directed by the said Act, for the Purposes of the River Navigation, and have likewise performed and executed certain other Works by the said Act authorized and directed to be performed; and the said new Bridge having been completed and rendered fit for the Passage of Horses, Carriages, and Cattle, the said Trustees have, pursuant to the Directions of the said Act, certified the same under their Hands to the respective Justices of the Peace of and for the said City of *Oxford* and the said County of *Berks* at their respective General Quarter Sessions of the Peace: And whereas the said Trustees have, in the Execution of the Powers of the said Act borrowed a considerable Sum of Money on the Credit of the Tolls by the same Act granted, which hath been applied

¹ 55 Geo. 3. c. xciv (*supra*).

towards the building of the said present Bridge, and executing the other Works thereby authorized to be made and done, and in otherwise carrying the said Act into execution: And whereas a considerable Part of the Money so borrowed on the Credit of the Tolls by the said Act granted still remains due and owing, and cannot be paid off unless the Term and Powers of the said Act, so far as the same relate to the demanding, taking, and collecting of the Tolls by the said Act granted are continued and enlarged: But inasmuch as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Fifty-fifth Year of the Reign of His said Majesty King *George* the Third, and all and every the Powers and Provisions, Penalties, Forfeitures, Payments, Remedies, Matters and Things therein contained, save and except such Part or Parts of the said Powers and Provisions, Matters and Things, as relate to the building of the said Bridge, and the erecting, making, and doing of all and every or any of the Works by the said Act authorized or directed to be made or done, and except also such of the Powers and Provisions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said Act contained as are hereby varied, altered, or repealed, shall be, continue, and remain in full Force and Effect, and the same are hereby further continued, and together with this Act shall be executed for and during the Term hereinafter mentioned, in as full and ample a Manner to all Intents and Purposes as if the same were repeated and re-enacted in this Act, but subject nevertheless to the Provisions, Alterations, and Amendments in this Act contained; and this Act, and the additional Term hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the

Powers of
recited Act
extended
to this Act.

A. D. 1834. said recited Act, and of all Interest due or to grow due for the same.

[Section 2 repeals certain provisions of the recited Act as to the meetings of the trustees, and section 3 gives them power to fix the time and place within the City and suburbs of meetings and to adjourn to any time and any such place.

Section 4 adds the Justices of Berks and Oxfordshire as trustees.

Section 5 deals with qualification of Persons thereafter to be chosen or appointed trustees.

Section 6 makes three trustees a quorum.

Section 7 prohibits the same person being Clerk and Treasurer.

Sections 8 and 9 relate to the Tolls ; Section 10 to damage to lamps ; sections 11-16 to escape of gas from pipes laid for lighting the bridge and contamination of water in water pipes thereby, and fouling watercourses by waste liquids from gas works ; and sections 17 and 18 to wilful damage to gas pipes and to damage done by carts and other vehicles.]

Stone
Steps on
the East-
ward Side
of the
Bridge to
be con-
sidered
Part
thereof.

XIX. And whereas the Trustees have erected and put up on or near to the Eastward Part or Side of the said new Bridge, and near to the South End thereof, a Flight of Stone Steps leading from the said new Bridge to the Water-side : And whereas Doubts are entertained whether such Steps form any Part of the said new Bridge ; be it therefore further Enacted, That the said Steps shall, from and after the passing of this Act, be and be considered as Part of the said new Bridge, and shall, with the Walls and Fences thereto, be vested in the Mayor, Bailiffs, and Commonalty of the City of *Oxford* in like Manner as the said new Bridge is now by virtue of the said recited Act vested in them ; and the same Steps, Walls, and Fences shall from Time to Time and at all Times for ever hereafter be repaired, maintained, and supported by the said Mayor, Bailiffs and Commonalty, as Part of the said Bridge.

Power of
Trustees

XX. And whereas there is a small Piece of Ground ad-

joining the Westward Side of the said Bridge, and near to the North End thereof, heretofore Parcel of the late Bed or Channel of the said River *Isis*, but now filled in, containing by Admeasurement Four Perches or One hundred and twenty-three Yards, bounded on the South by the new Channel of the said River, on the West by other Part of the said late Bed or Channel of the said River, also now filled in, and lately sold and conveyed under the Powers of the said recited Act to *Lawrence Wyatt* and *Robert Wyatt* of *Oxford*, Barge Masters, on the North by the Road leading from the public Street called *Saint Aldate* to the City Waterworks, and on the East by the said new Bridge; which said Piece of Ground by the Provisions of the said Act is now vested in the said Trustees, to be sold and disposed of by them according to the Directions in the said Act contained: And whereas it is desirable that the said Piece of Ground should belong to and be held with the said Bridge or as appurtenant thereto; be it therefore enacted, That the Power of Sale and other Provisions in the said recited Act contained, so far as the same relate to the said Piece of Ground, shall be and the same are hereby repealed.

XXI. And be it further enacted, That the said Piece of Ground shall from and after the passing of this Act become and be vested in the said Mayor, Bailiffs, and Commonalty of the City of *Oxford*, and be from Time to Time held by them as Part of or appurtenant to the said new Bridge.

A. D. 1834.
to sell
small Piece
of Ground
on the
Westward
Side of
the Bridge
repealed;

and the
Ground
vested in
the Corpo-
ration of
Oxford.

[Section 22 extends to the steps and piece of ground the provisions as to penalties for nuisances contained in the recited Act.

Section 23 imposes penalties for mooring under the bridge.

Section 24 exempts from toll the King's horses and carriages, or horses and carriages attending the King or Royal Family or returning from such attendance.

Section 25 enables the Trustees to sue and be sued in the name of their clerk.

Section 26 directs proceeding for a penalty or forfeiture

A. D. 1834.

to be taken by summons, and section 27 gives the Oxfordshire Justices concurrent jurisdiction with those of the City and of Berks in regard to penalties and forfeitures.

Section 28 provides that nothing in the Act shall affect a mortgage of the tolls for £6,000 granted by the Trustees to the Exchequer Bill Commissioners, dated the 15th of November, 1826.

Section 29 provides for the expenses of procuring the Act; and Section 30 declares it to be a public Act.]

Continu-
ance of
Term of
Act.

XXXI. And be it further enacted, That the Term granted by the said recited Act shall on the passing of this Act cease and determine; and the said Act (subject to the Alterations, Variations, and Additions hereinbefore contained) and this Act shall from thenceforth commence, continue, and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, unless the Monies which have been so borrowed and taken up at Interest, and now due and owing as aforesaid, and the Interest thereof, shall be sooner paid off and discharged.

4^o GUL. IV. Cap. xxiv.

An Act to incorporate a Company for better supplying with Gas the Town of *Cambridge* in the County of *Cambridge*.¹ [22d May 1834.]

[The Preamble recites that the Town of Cambridge and precincts thereof were lighted with gas, that John Grafton had expended considerable sums in erecting gasworks and had contracted with the Commissioners appointed under 28 Geo. 3. c. 64 (*supra*) and 34 Geo. 3. c. 104 (*supra*) for lighting the streets with gas, and that he and other persons named desired incorporation as a Gas Company; and section 1 incorporates John Grafton and the said other persons as 'The *Cambridge* Gas Light Company'.]

¹ This Act was repealed by 30 & 31 Vict. c. lxxvii (*infra*).

LIX. And whereas it may happen that the said Company of Proprietors may think proper to change the Site of the present Gasometer or Depôt of Gas, or to provide additional Premises for the Manufacture of such Gas; be it therefore enacted, That no Gasometer or Depôt of Gas Buildings or Premises for the Manufacture or Production of Gas shall be erected, made, established, or used by virtue of this Act within Three hundred Yards of any public Building, Museum, Garden Pleasure-Ground, or Walks belonging to or held or occupied by the Chancellor, Masters, and Scholars of the said University, without first obtaining their Consent in Writing under their Common Seal, or within Three hundred Yards of any College or Hall in the said University, or of the Precincts, Gardens, or Walks of any such College or Hall, without first obtaining the Consent in Writing of such College or Hall under its Common Seal, or within Three hundred Yards of any public Market Place or Market House established or to be established in the said Town, or within Three hundred Yards of any Messuage, Tenement, Garden, Yard, Pleasure Ground, Paddock, or any inclosed Ground planted as an Ornament or Shelter to a Dwelling House belonging to any other Person or Persons, or Body or Bodies Corporate, or Trustee or Trustees for charitable or other Purposes, in any Place or Situation in the said Town and Precincts thereof, without first obtaining the Consent in Writing of such Person or Persons, or Body or Bodies, Trustee or Trustees, and the Lessee or Lessees, Occupier or Occupiers for the Time being of such Messuage, Tenement, Garden, Yard, Pleasure Ground, Paddock, or any inclosed Ground planted as an Ornament or Shelter to a Dwelling House, under his, her, or their Hand or Hands respectively: Provided always, that none of the Restrictions herein contained shall extend or be construed to extend to or affect the present erected Gasometers, Depôts of Gas, or Buildings now in use for the Manufacture of Gas.

A. D. 1834.
Situation
of Gasom-
eter, &c.
not to be
within
Three hun-
dred Yards
of any
College
or Dwell-
ing House,
&c.

LX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower

No Pipe to
be laid
in any

A. D. 1834. the said Company, or any Person acting on their Behalf, to carry or lay any Pipe or Pipes, or other Apparatus, unto or against any Grounds, Buildings, or Premises belonging (whether in their own Occupation or not) to the Chancellor, Masters, and Scholars of the said University of *Cambridge*, or belonging to any of the Colleges or Halls in the said University, without first obtaining the Consent in Writing of the Vice Chancellor for the Time being of the said University, or his Deputy, under his Hand, or in the case of a College or Hall, without first obtaining the Consent in Writing of the Master or Keeper or Bursar for the Time being of the said College or Hall, under his Hand.

Power for
Owners of
private
Property
to alter
Position of
Pipes.

LXII. Provided also, and be it further enacted, That in case any Pipe or Pipes shall be carried or laid through, into, or against any private Dwelling House or Houses, Manufactory, Buildings, Grounds, Lands, or Property in the said Town, or through, into, or against any College or Hall, or any other Property belonging to such College or Hall, or belonging to the Chancellor, Masters, and Scholars of the said University, with such Consent as aforesaid, and after the same shall have been so laid and placed such Owner or Owners, or the Master, Fellows, and Scholars of such College or Hall, or the Chancellor, Masters, and Scholars of the said University, (as the Case may be,) shall be desirous of having the same removed, it shall be lawful for such Owner or Owners, or Master, Fellows, and Scholars, or the said Chancellor, Masters, and Scholars, (as the Case may be,) at any Time or Times thereafter, at his, her, or their own Costs and Charges, to alter and vary the Position of such Pipe or Pipes, and to relay the same, so that no Damage be done thereby to the said Company, and so that the said Company be not thereby prevented from or obstructed in lighting any public or private Lamp.

Penalties
to be re-
covered
before the
Vice-
Chancellor

LXXXVI. And be it further enacted, That in every Case where any Penalty or Forfeiture is made recoverable by virtue of this Act by Information before any Justice of the Peace for any Damage, Injury, Offence, Matter, or

Thing herein contained, and the Person or Party against whom any Complaint shall be made shall be a Matriculated Person, or a Member of any College or Hall in the said University, such Complaint shall be heard before and determined solely by the Vice Chancellor for the Time being of the said University, or his Deputy, in the same summary Way, and under the same Powers and Provisions in all respects, as herein mentioned and directed concerning the Recovery of any Penalty or Forfeiture against any other Person or Party before any other Justice of the Peace: Provided always that the Determination of the Vice Chancellor or his Deputy shall in every such Case be binding, final, and conclusive to all Intents and Purposes whatsoever.

A. D. 1834.
of the Uni-
versity
where
Members
of the Uni-
versity
are the
Offenders.

CV. Saving always to the Chancellor, Masters, and Scholars of the said University of *Cambridge*, and to all Persons being Members thereof, their Rights and Privileges of Civil and Criminal Judicature and Trial in the Courts of the said University which the said Chancellor, Masters, and Scholars had claimed or enjoyed, or could or might have had, claimed, or enjoyed, before the passing of this Act, or could or might have had, claimed, or enjoyed, if the same had not been passed, any thing herein contained to the contrary thereof in anywise notwithstanding: Provided always, that nothing herein contained shall be construed in anywise to confirm and establish such Rights and Privileges, or any of them.

Saving of
Rights of
Chan-
cellor,
Masters
and
Scholars
of the
University.

CVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to the Chancellor, Masters, and Scholars of the said University of *Cambridge*, and their Successors, the several Bodies Politic, Corporate, Collegiate, or Sole of the said University, and their Successors, the Mayor, Bailiffs, and Burgesses of the Borough of *Cambridge*, and their Successors, and to all and every other Persons and Person whomsoever, their respective Rights, Privileges, and Franchises which they or any of them had and enjoyed before the passing of this Act, or could or might have had or enjoyed if the same had not been

General
Saving.

A.D. 1834. passed, any thing herein contained to the contrary thereof in anywise notwithstanding.

[Section 107 declares the Act to be a public Act.]

4° GUL. IV. Cap. 3.

An Act for inclosing Lands in the Parish of *Great Shelford* in the County of *Cambridge*, and for commuting the Tithes of the said Parish.

[22d May 1834.]

Land to be
allotted
for the
Protection
of the
Water-
course run-
ning from
the Nine
Wells to
Cam-
bridge;

XXIII. And whereas there is a Channel or Watercourse¹ which for a great Length of Time has been enjoyed by the Residents and Inhabitants of the University and Town of *Cambridge*, running from the *Nine Wells* in the Bounds of the said Parish of *Great Shelford* to the Town of *Cambridge* aforesaid, and supplying the said Town with Water, and such Channel or Watercourse doth take its Source from the *Nine Wells* aforesaid, and Part thereof doth run through a Portion of the Lands and Grounds hereby intended to be allotted and divided; now therefore, for the Preservation of such Channel or Watercourse, as far as respects the Source thereof, and such Part as runs through the Lands and Grounds hereby intended to be allotted and divided, and in order that the same may for ever hereafter be had and enjoyed by the Residents and Inhabitants of the University and Town of *Cambridge* aforesaid without any Interruption or Disturbance whatsoever, be it further enacted, That the said Commissioners shall and they are hereby authorized and required, upon Payment to them of such a Sum of Money as shall in their Judgment be equivalent to the full Value thereof, to set out and allot unto the Chancellor, Masters, and Scholars of the University of *Cambridge*, and

¹ See further as to this watercourse (*supra*) 28 Geo. 3. c. 64. §. 101, 47 Geo. 3. Sess. 2. c. 60. s. 31, and 52 Geo. 3. c. 141. ss. 43-45, and (*infra*) 7 & 8 Vict. c. lxii. ss. 189, 190, and 16 & 17 Vict. c. xxiii. s. 25.

the Mayor, Bailiffs, and Burgesses of the said Town of *Cambridge*, any Portion of Land not exceeding Three Acres in the whole immediately surrounding and contiguous to the *Nine Wells* aforesaid, to be for ever vested in the said Chancellor, Masters, and Scholars, and Mayor, Bailiffs, and Burgesses, and their respective Successors, in Trust and for the better Preservation and Protection of the aforesaid Channel or Watercourse and the Sources thereof; the Hedges, Ditches, Mounds, and Fences of which said Portion of Land so to be set out and allotted as aforesaid on all sides thereof shall be made and for ever thereafter maintained and kept in repair by and at the Expence of the Parties interested in the said Channel or Watercourse, and having the Use and Enjoyment thereof, not being Proprietors or Occupiers of Lands in *Great Shelford* aforesaid.

A. D. 1834.
to be fenced at the Expence of the Parties interested.

XXIV. And be it further enacted, That the Money to be received for the Purchase of the aforesaid Portion of Land so directed to be allotted as aforesaid for the Protection of the Sources of the said Watercourse shall be paid to the said Commissioners at such Time and in such Manner as they shall by Writing under their Hands, to be delivered to the Vice Chancellor of the said University for the Time being and to the Mayor of the said Town for the Time being, or left at their usual Place of Abode, direct or appoint; and such Money when received shall be laid out by the Commissioners in or about the public Roads and Drains of the said Parish of *Great Shelford*, or for such other Purposes, as they shall consider most useful and beneficial, and their Receipt shall be a good and sufficient Discharge for the same; but in case Default shall be made in Payment of the said Sum of Money at the Time and Place to be so appointed as aforesaid, or within One Calendar Month thereof, then the Provision hereby intended to be made for the Protection and Preservation of the Source of the said Channel or Watercourse shall cease and be void.

Application of Money to be received for Purchase of the Land allotted for Protection of the Watercourse.

Provision to be void if Purchase Money not paid.

XXV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to

Reservation of Six Feet on

A. D. 1834. ^{the said} Commissioners or the Proprietors of the said
each Side of the Water-
course for the better
Protection thereof.

Open Fields, Commons, and Commonable and Waste Lands and Grounds, or any Part thereof, or any or either of them, any Power or Authority over the said Channel or Watercourse, or Six Feet of the Soil next and immediately joining thereto on both Sides thereof, but such Channel or Watercourse and Six Feet of the Soil next and immediately joining thereto, as far as the same is situate in and Part of the said Open Fields, Commons, and Commonable and Waste Lands and Grounds, shall for ever hereafter be appropriated and set apart to and for the exclusive Purpose of conveying such Water to the said Town, as the same hath been heretofore had, used, and enjoyed as if this Act had not been passed; and the Person or Persons who shall be empowered to superintend, direct, and manage such Channel or Watercourse on behalf of the said Residents and Inhabitants shall and may take out, fence off, and use such Six Feet of the Soil adjoining such Watercourse on both Sides thereof for the Protection and Support of the said Channel and Watercourse; and it shall not be lawful for the said Commissioners and Proprietors, or any or either of them, or any other Person or Persons whomsoever, to plough, dig up, cut into, use, or otherwise intermeddle with the said Channel or Watercourse or the Water within the same, or such Six Feet adjoining thereto as aforesaid; and in case any or either of them shall so plough, dig up, cut into, use, or otherwise intermeddle with the said Channel or Watercourse, or such Six Feet of the Soil as aforesaid, such ploughing, digging up, cutting into, using, or otherwise intermeddling with the same as aforesaid shall be considered as a wilful Trespass, and the Person or Persons guilty thereof shall be deemed a wilful Trespasser or Trespassers, and shall be answerable for such ploughing, digging up, cutting into, using, or otherwise intermeddling with the Premises in an Action at Law for Damages, which Action shall and may be brought by and in the Name of the Vice Chancellor of the University of *Cambridge* for

the Time being, or in the Name of the Mayor of the said Town of *Cambridge* for the Time being. A. D. 1834.

XXVI. Provided always, and be it further enacted, That no Dwelling House or other Building of any Description, except such as may be necessary for covering or fencing in the Sources of the said Watercourse, shall be made or placed upon any Portion of the Land hereby authorized to be set out and allotted for the Protection of the said Watercourse, or the said Six Feet of the Soil next and immediately adjoining thereto on both Sides thereof: Provided also that nothing herein contained shall extend or be construed to extend to render the said Commissioners, or the Proprietors or Occupiers of Lands in the said Parish of *Great Shelford*, liable to fence off the said Channel or Watercourse, or the said Six Feet of the Soil next and immediately adjoining thereto on both Sides or either Side thereof, from the adjoining Lands, nor to any Damages or Costs for any Use of or any Trespasses committed thereon, in case no sufficient Fence shall be made and maintained by the Parties interested in the said Watercourse.

No Buildings to be erected except for covering in the Watercourse.

Proprietors in *Great Shelford* not liable to fence.

XXVII. Provided also, and be it further enacted, That nothing in this Act contained shall affect or prejudice the Right of Drainage of the Lands in the said Parish of *Great Shelford* into the said Watercourse, so as no Nuisance be occasioned to the Water by any Drainage from Houses or other Buildings, Farmyards, or Dungheaps into the same, nor shall prevent the said Commissioners or Proprietors from straightening the Line of the said Channel or Watercourse for the more convenient allotting of the adjoining Lands, nor from deepening and laying Tunnels under the same from Time to Time as Occasion shall require for the better Drainage of such Lands, nor from erecting such Bridges over the same, and placing such Stiles across the said Six Feet on each Side thereof, as they may deem necessary for the more convenient Occupation of the Allotment or Allotments of Land to be set out adjoining the said Watercourse: Provided also, that nothing

Reservation of Rights to Commissioners and *Great Shelford* Proprietors.

Reservation of the

in this Act contained shall extend or be construed to extend to deprive the Master, Fellows, and Scholars of *Emanuel College* in the University of *Cambridge*, or the Master, Fellows, and Scholars of *Christ's College* in the same University, of any Benefit or Advantage which the said respective Masters, Fellows, and Scholars derived from the said Channel or Watercourse previous to the passing of this Act.

5^o & 6^o GUL. IV. CAP. VIII.

A. D. 1835. An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits.¹ [12th June 1835.]

V. Provided always, and be it enacted, That nothing in this Act contained shall extend or apply to the Oath of Allegiance in any Case in which the same now is or may be required to be taken by any Person who may be appointed to any Office, but that such Oath of Allegiance shall continue to be required, and shall be administered and taken, as well and in the same Manner as if this Act had not been passed.

VII. And be it enacted, That it shall be lawful for the Universities of *Oxford* and *Cambridge*, and for all other Bodies Corporate and Politic, and for all Bodies now by Law or Statute, or by any valid Usage, authorized to administer or receive any Oath, solemn Affirmation, or Affidavit, to make Statutes, Bye Laws, or Orders authorizing and directing the Substitution of a Declaration in lieu of any Oath, solemn Affirmation, or Affidavit now required to be taken or made: Provided always, that such Statutes,

¹ This Act was repealed and re-enacted with modifications not affecting ss. 5 and 7 by 5 & 6 Will. 4. c. 62 (*infra*). See further as to the substitution of declarations for oaths 31 & 32 Vict. c. 72. ss. 12, 15, 16 (*infra*).

Bye Laws, or Orders be otherwise duly made and passed A.D. 1835. according to the Charter, Laws, or Regulations of the particular University, other Body Corporate and Politic, or other Body so authorized as aforesaid.

XV. And be it enacted, That this Act shall commence and take effect from and after the Fifteenth Day of *June* in this present Year, the Year of our Lord One thousand eight hundred and thirty-five. Act to take effect after 15th June 1835.

5^o & 6^o GUL. IV. CAP. L.

An Act to consolidate and amend the Laws relating to Highways in that Part of *Great Britain* called *England*. [31st August 1835.]

CXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or any of the Powers vested by Charter or otherwise in the Chancellors, Masters, and Scholars, and their Successors, of the said Universities. Not to affect the Universities;

5^o & 6^o GUL. IV. CAP. LXII.

An Act to repeal an Act of the present Session of Parliament, intituled *An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits*; and to make other Provisions for the Abolition of unnecessary Oaths. [9th September 1835.]

[This Act repeals and re-enacts with modifications the Act 5 & 6 Will. 4. c. 8 (*supra*).¹ Sections 6 and 8 are

¹ The Act recites (incorrectly, see section 15 of the repealed Act (*supra*))

A. D. 1835. a *verbatim* re-enactment of sections 5 and 7 of the repealed Act.]

5° & 6° GUL. IV. CAP. LXIII.

An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.¹ [9th September 1835.]

[Section 1 repeals and re-enacts with modifications 4 & 5 Will. 4. c. 49. The repealed Act contained no saving clause in favour of the Universities.]

Saving the Rights of the Universities of Oxford and Cambridge.

XLIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the Rights or Privileges of either of the Universities of *Oxford* or *Cambridge*, but that the Custody of the Assize, Assay, and Overlooking of Weights and Measures in the City of *Oxford* and its Suburbs, and in the Town of *Cambridge*, shall continue as heretofore and be in the Chancellor, Vice Chancellor, or his Deputy, of the said Universities respectively; and that the Chancellor, Vice Chancellor, or his Deputy, of each of the said Universities for the Time being, and none other, shall have the Power, and is or are hereby authorized, as Occasion may require, to appoint in and for the said City and Suburbs, and in and for the said Town respectively, an Inspector or Inspectors of Weights and Measures, and shall have full Power and Authority to perform and execute all such Matters and Things as are required or are granted to Justices of the Peace of any County, City, Town, or other Jurisdiction in *England* and *Wales*, under the Provisions of that by the repealed Act, Cap. 8, it was enacted 'that the said Act should commence and take effect from and after the First Day of *June* in this present Year, the Year of our Lord One thousand eight hundred and thirty-five'. The necessity for further legislation arose from the fact that by s. 12 of Cap. 8 'the First Day of *June* next ensuing' was fixed as the date after which Justices were prohibited from administering voluntary oaths. As Cap. 8 did not receive the royal assent till the 12th of June, 1835, the operation of s. 12 was, contrary to the intention, postponed until the first of June, 1836.

¹ This Act was repealed by 41 & 42 Vict. c. 49. s. 86.

this Act, or by any or either of the said recited Acts; and every such Inspector is hereby authorized and empowered to put in force and execute all such Powers and Provisions as are by this Act, or by any or either of the said recited Acts, granted to or required of any Inspector or Inspectors of Weights and Measures appointed as aforesaid by the Justices of the Peace in Quarter Sessions assembled.¹ A.D. 1835.

5° & 6° GUL. IV. CAP. LXV.

An Act for preventing the Publication of Lectures without Consent. [9th September 1835.]

[This Act provides that the authors of Lectures, or their assigns, shall have the sole right of publishing them; and that persons having leave to attend Lectures have not thereby leave to publish them.]

V. Provided further, That nothing in this Act shall extend . . . to any Lecture or Lectures delivered in any University or public School or College, or on any public Foundation, or by any Individual in virtue of or according to any Gift, Endowment, or Foundation; and that the Law relating thereto shall remain the same as if this Act had not been passed. Act not to extend to Lectures delivered in unlicensed Places, &c.

5° & 6° GUL. IV. CAP. LXXI.

An Act for appointing Commissioners to continue the Inquiries concerning Charities in *England* and

¹ The supervision of weights and measures was granted for Oxford and its suburbs to the Chancellor of Oxford University and his deputies by charter of 29 Edw. 3 (27th of June, 1355), and for Cambridge and its suburbs to the Chancellor of Cambridge University and his deputies in 5 Ric. 2 by grant in Parliament confirmed by charter of the 1st of May, 1382 (see Appendix I (*infra*)); and see as to ale and beer measures 12 & 13 Will. 3. c. 11. s. 15 (*supra*). The powers of the University of Cambridge with regard to weights and measures were transferred to the borough justices, and the right to appoint inspectors with concurrent power was vested in the University and borough council, by 19 & 20 Vict. c. xvii. ss. 13, 14 (*infra*). The powers of the University of Oxford were transferred to the Police Committee by 31 & 32 Vict. c. lix. s. 9 (*infra*). By 41 & 42 Vict. c. 49. s. 43. Sched. 4 the appointment of inspectors in boroughs was vested in the borough council, subject to the rights of existing inspectors, and this Act was repealed s. 86. Sched. 6.

A. D. 1835. *Wales* until the First Day of *March* One thousand eight hundred and thirty-seven.¹

[9th September 1835.]

[The Preamble recites that the powers of the Commissioners appointed under 1 & 2 Will. 4. c. 34 (*supra*) had expired on the 15th Aug. 1834.

Section 1 authorizes the appointment of Commissioners to continue the enquiries.]

Act not to extend to Universities, Public Schools, &c. ;

XVI. And be it enacted, That this Act or any of the Provisions therein contained shall not extend or be construed to extend to either of the Universities of *Oxford* or *Cambridge*, nor to any College or Hall within the same, nor to any Schools or other Endowments of which the said Universities, Colleges, or Halls are Trustees, nor to the Colleges of *Westminster*, *Eton*, or *Winchester*, nor to the *Charter House*, nor to the Schools of *Harrow* or *Rugby*, or any of them, nor to the Corporation of the *Trinity House* of *Deptford Strond*, nor to any Cathedral or Collegiate Church within *England* or *Wales*, nor to any Funds applicable to the Benefit of any Persons of the Jewish Persuasion, or the People called Quakers, or Persons of the Roman Catholic Persuasion, and which shall be under the Superintendence and Control of Persons of such Persuasions respectively.

5° & 6° GUL. IV. CAP. LXXVI.

An Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*.²

[9th September 1835.]

Repeal of all Acts, Charters,

[Section 1 enacts That 'so much of all Laws, Statutes, and Usages, and so much of all Royal and other Char-

¹ This Act was continued by 7 Will. 4. & 1 Vict. c. 4 till the 1st of July, 1837, when it expired.

² This Act was repealed by the Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50) s. 5. Schedule I (*infra*).

1835.

ters, Grants, and Letters Patent now in force relating A. D. 1835.
 to the several Boroughs named in the Schedules (A.) and Customs inconsistent with this Act.
 and (B.) to this Act annexed,¹ or to the Inhabitants
 thereof, or to the several Bodies or reputed Bodies
 Corporate named in the said Schedules, or any of
 them, as are inconsistent with or contrary to the Pro-
 visions of this Act, shall be and the same are hereby
 repealed and annulled'.]

XIV. And whereas in divers Cities, Towns, and Boroughs Exclusive Rights of Trading abolished.
 a certain Custom hath prevailed, and certain Bye Laws have
 been made, that no Person, not being free of a City, Town
 or Borough, or of certain Guilds, Mysteries, or Trading
 Companies within the same, or some or one of them, shall
 keep any Shop or Place for putting to Show or Sale any or
 certain Wares or Merchandize by way of Retail or other-
 wise, or use any or certain Trades, Occupations, Mysteries,
 or Handicrafts for Hire, Gain, or Sale within the same; be
 it enacted, That every Person in any Borough may keep any
 Shop for the Sale of all lawful Wares and Merchandizes by
 Wholesale or Retail, and use every lawful Trade, Occupa-
 tion, Mystery, and Handicraft, for Hire, Gain, Sale, or other-
 wise, within any Borough.

LXXV. And whereas it may be expedient that the Powers vested in Trustees may be transferred to Councilors.
 Powers now vested in the Trustees appointed under sundry
 Acts of Parliament for paving, lighting, cleansing, watching,
 regulating, supplying with Water, and improving certain
 Boroughs, or certain Parts thereof, should be transferred to
 and vested in the Councils of such Boroughs respectively;
 be it enacted, That the Trustees appointed by virtue of
 any such Act of Parliament as last aforesaid, wherein the
 Trustees, or the Persons whose Trustees they may be, are
 not beneficially interested, may, if it shall seem to them
 expedient, at a Meeting to be called for that Purpose,
 transfer in Writing under their Hands and Seals all the
 Powers vested in them as such Trustees by any such Act
 or Acts of Parliament as aforesaid to the said Body Cor-

¹ Oxford and Cambridge are two of the boroughs named in Schedule (A.).

A. D. 1835. porate of such Borough, and the said Body Corporate of such Borough shall thenceforth be Trustee for executing by the Council of such Borough the several Powers and Provisions of any such Act or Acts of Parliament, and the Members of the Council shall have the same Powers and be subject to the same Duties as if their Names had been originally inserted in such Act or Acts, or as if they had been elected under the Provisions of any such Act or Acts as such Trustees respectively: Provided always, that no such Transfer as aforesaid shall be made of the Powers vested by virtue of the Acts mentioned in Schedule (E.) which relate to the Town of *Cambridge*, without the Consent of the Chancellor, Masters, and Scholars of the University of *Cambridge*.¹

All char-
tered Ex-
emptions
from serv-
ing on
Juries
abolished.

[Section 123 enacts, that 'after the passing of this Act no Person in any Borough shall continue to be exempt from serving on Juries in any of the King's Courts of Record at *Westminster*, or in the Superior Courts, Civil or Criminal, of the Counties Palatine of *Lancaster* and *Durham*, or in any Court of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, or Sessions of the Peace, or in any other of the King's Courts, by virtue of any Writ, Grant, Charter, Prescription, or otherwise'; . . .]

Saving of
the Rights
of the Uni-
versities
of Oxford
and Cam-
bridge.

CXXXVII. And be it enacted, That nothing in this Act contained shall be construed to alter or affect the Rights or Privileges, Duties or Liabilities, of the Chancellor, Masters, and Scholars of the Universities of *Oxford* or *Cambridge* respectively, as by Law possessed under the respective Charters of the said Universities or otherwise, or to entitle any Person to be enrolled a Citizen of the City of *Oxford* or Burgess of the Borough of *Cambridge*, by reason of his Occupation of any Rooms, Chambers, or Premises in any of the Colleges or Halls of the Universities of *Oxford* or *Cambridge*, or either of them, or to compel any resident

¹ The power of transfer conferred by this section was never exercised with regard to Cambridge.

Member of either of the said Universities to accept any Office in or under the Body Corporate of the Mayor and Citizens of the City of *Oxford*, or of the Mayor and Bur-
gesses of the Borough of *Cambridge*, or to authorize the Levy of any Rate within the Precincts of the said Univer-
sities, or of any of the Colleges or Halls of the same, which now by Law cannot be levied therein.

[Schedule (E.) mentions *inter alia* the Cambridge Im-
provement Acts, 28 Geo. 3. c. 64 (*supra*) and 34 Geo. 3.
c. 104 (*supra*), and the Oxford Mileway Acts, 11 Geo. 3.
c. 19 (*supra*), 21 Geo. 3. c. 47 (*supra*), 52 Geo. 3. c. 72
(*supra*), and 5 & 6 Will. 4. c. lxix (*infra*).]

5° & 6° GUL. IV. Cap. lxix.

An Act for continuing the Term and amending and
enlarging the Powers of Three Acts of His
Majesty King *George* the Third, for amending
certain Mileways leading to *Oxford*, and making
Improvements in the University and City of
Oxford, the Suburbs thereof, and adjoining Parish
of *Saint Clement*; and for other Purposes in the
said Acts mentioned.¹ [21st July 1835.]

¹ This Act and the other Mileway Acts (11 Geo. 3. c. 19 (*supra*), 21 Geo. 3.
c. 47 (*supra*), and 52 Geo. 3. c. 72 (*supra*), and 11 & 12 Vict. c. xxxvii
(*infra*)) were, on the establishment of a Local Board under the Local Govern-
ment Act, 1858 (21 & 22 Vict. c. 98 (*infra*)), repealed by the Order of the
31st of May, 1865, confirmed by 28 & 29 Vict. c. 108 (*infra*), except the
provisions relating to Magdalen Bridge, the Mileways, and the tolls in respect
of the same and mortgages thereof, and those relating to markets and gas
supply, the excepted provisions, other than those relating to the markets, being
by Art. 5 made applicable to the Local Board instead of the Commissioners.

By Art. XXIV of the Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv
(*infra*), the unrepealed provisions were repealed, except those relating to
markets, in respect of which the Corporation of the City was substituted for
the Local Board, the Market Committee, and the University respectively, the
right, however, of the University to appoint Clerks of the Market being
preserved.

A. D. 1835. **W**HEREAS an Act was passed in the Eleventh Year
of the Reign of His Majesty King *George* the
11 G. 3. c. Third, intituled *An Act for amending certain of the Mile-*
19.¹ *ways leading to Oxford; for making a commodious Entrance*
through the Parish of Saint Clement; for rebuilding or
repairing Magdalen Bridge; for making commodious Roads
from the said Bridge through the University and City, and
the Avenues leading thereto; for cleansing and lighting the
Streets, Lanes, and Places within the said University and
City, and the Suburbs thereof, and the said Parish of
Saint Clement; for removing Nuisances and Annoyances
therefrom and preventing the like for the future; for
empowering Colleges and Corporations to alienate their
Estates there; for removing, holding, and regulating
Markets within the said City; and for other Purposes:
And whereas an Act was passed in the Twenty-first Year
21 G. 3. c. of the Reign of His said Majesty, intituled *An Act to amend*
47.² *and enlarge the Powers of an Act passed in the Eleventh*
Year of His present Majesty's Reign, for performing several
Works and making Improvements within the University and
City of Oxford and the Suburbs thereof, and in the adjoining
Parish of Saint Clement: And whereas an Act was passed
in the Fifty-second Year of the Reign of His said Majesty
52 G. 3. c. King *George* the Third, intituled *An Act for enlarging the*
72.³ *Term and Powers of Two Acts of His present Majesty, for*
amending certain Mileways leading to Oxford, and making
Improvements in the University and City of Oxford, the
Suburbs thereof, and adjoining Parish of Saint Clement, and
for other Purposes: And whereas a large Sum of Money
remains due upon the Credit of the Tolls granted and
continued by the said recited Acts, and the Terms for which
the said Tolls were to have Continuance are nearly expired;
and such Money cannot be paid off, nor the Mileways,
Bridge, and Avenues repaired, cleansed, and lighted,
unless the said Tolls are continued for a further Term of
Years: And whereas further Provisions and Amendments
are necessary to render the said Acts effectual: May it

¹ *Supra.*

² *Supra.*

³ 52 Geo. 3. c. 72 (*supra*).

therefore please Your Majesty that it may be enacted; A. D. 1835.
and be it enacted by the King's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, That so
much of the said recited Acts passed in the Eleventh,
Twenty-first, and Fifty-second Years of His said late
Majesty's Reign, as relates to the Tolls thereby respectively
granted, and to the Mileways, Bridge, and Avenues thereto,
shall, upon the passing of this Act, have Continuance for
and during the Term hereinafter mentioned.

Recited
Acts con-
tinued.

II. And be it further enacted, That the Commissioners
appointed in or by virtue of the said recited Acts or this
Act, or any Fifteen or more of them, shall have full Power
and Authority to order and direct the said Bridge called
Magdalen Bridge to be widened to such Extent as they
may think necessary, and to pay and defray the Expences
incurred by such widening by and out of the Tolls and
Duties to be collected and received at the Turnpikes or
Toll Houses erected or to be erected by virtue of the said
recited Acts, or to borrow and take up at Interest upon the
Credit of the said Tolls the Whole or such Part of the said
Expences as they the said Commissioners, or any Fifteen
or more of them, shall think fit, and may and are hereby
empowered to demise or mortgage the said Tolls and
Gates, Turnpike or Toll Houses, as a Security to any
Person or Persons who shall advance such Expences or
any Part thereof in the Form and Manner mentioned and
contained in the said first-recited Act.

Power to
widen
Magdalen
Bridge.

III. And be it further enacted, That the said Commis-
sioners shall have full Power and Authority to cause as
well the said Mileways as also *Magdalen Bridge* to be
watered and lighted by such Ways and Means and in such
Manner as they shall think fit, and that the Expences
attending the same shall be defrayed out of the Tolls and
Duties which shall be collected by virtue of this and the
said recited Acts.

Mileways
and Bridge
to be
watered
and
lighted.

IV. Provided always, and be it further enacted, That Tolls not

A. D. 1835. from and after the passing of this Act none of the said
to be ap- Tolls shall be applied towards the widening of any of the
plied in widening
Streets. Roads, Streets, or Ways within the said University or the
said City, or Suburbs thereof.

County and City Magistrates to be Commissioners so far as regards the Tolls. V. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County or City of *Oxford*, being duly qualified as required by the Act of the Third Year of the Reign of His late Majesty King *George* the Fourth,¹ in Cases of Persons acting as Trustees or Commissioners in execution of any Act for making, repairing, or maintaining any Turnpike Roads, shall be Commissioners for carrying into execution the said herein-before recited Acts and this Act so far as respects the said Tolls, Bridge, and Mileways.

[Sections 6-8 prescribe oaths or affirmations to be taken and subscribed by Commissioners or Surveyors before acting, binding them to the due performance of their duties, and impose penalties for acting without having taken and subscribed the same.]

Streets, &c. IX. And whereas several Parts of the Streets, Lanes, Ways, Passages, and Places within the said University and City, the Suburbs thereof, and the Parish of *Saint Clement*, are narrow and incommodious, and it would be of great Benefit if the same were widened; be it therefore enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, to widen the narrow Parts of the said Streets, Lanes, Ways, Passages, and Places, so as to make the same commodious for Carriages and Passengers, and also to take down and remove all such Houses and Buildings as any Person or Persons shall be willing to sell, grant, or convey to the said Commissioners for such Purposes.

Commissioners may purchase Land for the Purpose. X. And be it further enacted, That it shall be lawful for the said Commissioners to treat, contract, and agree with the Owners and Occupiers of and all other Persons interested in any Houses, Buildings, Lands, Tenements, or other Hereditaments within the said Streets, Lanes, Ways, Passages, and Places which they the said Commissioners,

¹ 3 Geo. 4. c. 126. ss. 61-64.

or any Nine or more of them, shall think right and proper to be taken or used for the Purpose of widening the same, for the absolute Purchase thereof, and to purchase the same accordingly, or to make Compensation for any Damage to be done thereto in the Execution of the Purposes aforesaid. A.D. 1835.

XI. And whereas the said City of *Oxford* and its Neighbourhood have of late Years greatly increased and are still increasing in Population and Buildings, and there is Reason to apprehend that the Market established by virtue of the said recited Acts will soon become inadequate for the same; be it therefore enacted, That it shall be lawful for the Committee for the Time being appointed by the Chancellor, Masters, and Scholars of the University of *Oxford*, and the Mayor, Bailiffs, and Commonalty of the City of *Oxford* respectively, pursuant to the Provisions of the said recited Act of the Eleventh Year of the Reign of King *George* the Third, or any Five or more of them, and they are hereby authorized and empowered, when and as they shall think fit, to extend and enlarge the said present Market Place, or any Part or Parts thereof, and, if they shall deem it expedient, to appropriate and set apart a sufficient Space of Ground, if the same can be purchased or obtained, in some convenient Part of the said City of *Oxford* or the Suburbs thereof, as or for a second or additional Market for the Sale of all or any of the marketable Commodities now usually sold or exposed to Sale in the present Market of the said City. Power to enlarge the present Market, or erect and appropriate another.

XII. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the Committee for the Time being so appointed as aforesaid, or any Five or more of them, and they are hereby empowered, when they shall deem it necessary, on the Behalf of the Chancellor, Masters, and Scholars of the University of *Oxford*, and the Mayor, Bailiffs, and Commonalty of the said City of *Oxford*, and their respective Successors, to treat and agree for the Purchase of any Houses, Buildings, Lands, Tenements, or other Hereditaments adjoining the Site or Limits of the Power to Market Committee to purchase Houses, &c.

A. D. 1835. said present Market Place, which the said Committee, or any Five or more of them, shall think right and proper to be taken or used for enlarging the said present Market, or, if the said Committee for the Time being, or any Five or more of them, shall think proper, to treat and agree for the Purchase of any Houses, Buildings, Lands, Tenements, or other Hereditaments situate and being in any other Part of the City of *Oxford* or the Suburbs thereof, which the said Committee, or any Five or more of them, shall think right, convenient, and proper to be appropriated or set apart and used as and for a second or additional Market as aforesaid; and it shall be lawful for the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, and their respective Successors, to hold all such Houses, Buildings, Lands, Tenements, or other Hereditaments to be so purchased as aforesaid, without becoming or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or any other Law or Statute whatsoever: Provided always, that nothing herein contained shall authorize or empower the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, or their respective Successors, to hold any greater Quantity of Land for the Purpose of a Market or Markets in *Oxford* or the Suburbs thereof than Six Statute Acres in the whole, including the Site or Limits of the said present Market Place.

Not to
hold more
than Six
Statute
Acres in
the whole.

Bodies
Politie em-
powered
to sell.

XIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, Feoffees in Trust, and other Trustees whomsoever, for and on behalf of themselves, their Heirs and Successors, and for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, and also for Femmes Covert themselves, whether seised or interested in their own Right, or

entitled to Dower, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Houses, Buildings, Lands, Tenements, or other Hereditaments, or any Part thereof, which shall be thought necessary to be purchased for any of the Purposes of this Act (but under such Restrictions as to Quantity as respects the said Market as aforesaid), to treat, contract, and agree with the said Commissioners or with the said Market Committee for the Time being, or any Five or more of them (as the Case may be), for the Sale thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Commissioners, or to any Five or more of them, or to any Person or Persons in Trust for them, or to the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, and their respective Successors (as the Case may be), for the Purposes aforesaid; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act shall, without any other Conveyances and Assurances in the Law whatsoever, and without Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Use, Property, Possibility, Claim, and Demand whatsoever of their said several Cestuique Trusts, and of all Persons whomsoever claiming or to claim by, from, or under him, her, or them, or any of them, or claiming or to claim in Remainder or Reversion, or expectant on any particular Estate, or by way of executory Devise or springing Use, and the same shall be deemed and considered to bar effectually all Dower of any such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of any Person or Persons claiming under them, any Law, Statute, or Usage, or any other Matter or Thing, to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate

A. D. 1835. or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, and other Trustees, and all and every other Person and Persons, is and are and shall be indemnified for what he, she, or they shall do by virtue or in pursuance of this Act.

The Consent of Lessor to be obtained.

XIV. Provided always, and be it further enacted, That in all Cases of Tenants for a Term of Years at Rack Rent, or for Terms or Interests usually renewed on Payment of a Fine, Premium, or Foregift, the Consent in Writing of the Lessor or Lessors of such Houses, Buildings, Lands, Tenements, or other Hereditaments, or any Part thereof, shall be had or obtained previous to any Contract, Bargain, Sale, or Conveyance thereof to be made by virtue and in pursuance of this Act.

[Section 15 gives compulsory powers of purchasing certain houses and land in High Street and Market Lane on the west side of the market, described in the Schedule, and provides for assessment of compensation by a jury.

Section 16 provides that on payment of the compensation awarded the property 'shall absolutely vest in the Chancellor, Masters, and Scholars of the University of *Oxford*, and the Mayor, Bailiffs, and Commonalty of the City of *Oxford* respectively'.

Section 17 provides for payment of the expenses of the jury.

Section 18 requires persons in possession as tenants at will, for a year, or from year to year, to deliver up the property purchased on six months' notice; and section 19 requires lessees to produce their leases.

Section 20 limits the compulsory powers to three years from the passing of the Act.]

Application of Purchase Money

XXI. And be it further enacted, That if any Money shall be contracted or assessed to be paid for any Houses, Buildings, Lands, Tenements, or other Hereditaments

purchased, taken, or used by virtue of the Powers of this Act, for any of the Purposes aforesaid, which shall belong to any Body Politic or Corporate, Collegiate or Ecclesiastical, Tenant for Life or in Fee Tail, or for Years, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The Commissioners of the *Oxford* Paving Acts", or *ex parte* "The *Oxford* Market Committee", (as the Case may be,) to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order to be made upon a Petition to be preferred in a summary Way by the Person, or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, or other Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid, affecting the said Houses, Buildings, Lands, Tenements, or other Hereditaments, or affecting other Hereditaments standing and being settled therewith to the same or the like Uses, Intents, and Purposes, or in the Improvement of the other or remaining Parts of the said Houses, Buildings, Lands, Tenements, or other Hereditaments; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Houses, Buildings, Lands, Tenements, or other Hereditaments which shall be purchased, taken, or used for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be

A. D. 1835.
when
amount-
ing to 200l.
and up-
wards.

A. D. 1835. subsisting undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Exchequer upon Application made thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, or other Hereditaments so hereby directed to be purchased, in case such Purchase and Settlement thereof were then actually made.

When less
than 200/.
and ex-
ceeding
20/.

XXII. Provided always, and be it further enacted, That if any Money so to be paid for any Houses, Buildings, Lands, Tenements, or other Hereditaments to be purchased, taken, or used for the Purposes of this Act, or any of them, and belonging to any Body Politic or Corporate, Collegiate or Ecclesiastical, Tenant for Life or in Tail or for Years, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than Two hundred Pounds and shall exceed Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making

such Option, and approved of by the said^r Commissioners, A. D. 1835. or any Five or more of them, or by Five or more of the said^r Market Committee for the Time being, as the Case may be, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends to arise thereon or the Interest thereof, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

XXIII. And be it further enacted, That where such Purchase Money so to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall belong absolutely and be paid to the Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or other Hereditaments so to be purchased, taken, or used for the Purposes of this Act as aforesaid, in such Manner as the said Commissioners or any Five or more of them, or the said Market Committee or any Five or more of them (as the Case may be), shall think fit, or in Cases of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person and Persons so entitled respectively.

When not exceeding 20l.

- [Section 24 provides for payment of the purchase money into the Bank of England in the case of disputed titles ;
- section 25 for the cost of reinvestment in land ; and
 - section 26 provides that on payment or legal tender of the purchase money the property bought shall vest in the Commissioners or in the Chancellor, Masters, and Scholars, and Mayor, Bailiffs, and Commonalty as the case may be.]

XXVII. And be it further enacted, That notwithstanding any thing in the said recited Acts or this Act mentioned or contained the said Market Committee for the Time being, or any Five or more of them, shall, after all the Monies

Power to Market Committee to appropriate 10,000l.

A. D. 1835. already borrowed under the said recited Acts shall have been paid off, discharged, or satisfied, have full Power and Authority to apply, lay out, and expend, out of the Rents and Profits which may from Time to Time arise from the said present or extended Market, or any new or additional Market, and out of the Savings which may from Time to Time be made by the falling in of Annuities, any Sum not exceeding Ten thousand Pounds in, about, and towards the Improvement of the said present or extended Market, or the building, erecting, or Improvement of any new or additional Market that may be made as aforesaid, in such Manner and at such Times as the said Committee for the Time being, or any Five or more of them, shall deem expedient.

and to contribute
4,000*l.*
towards
widening
Jesus Col-
lege Lane.

XXVIII. And be it further enacted, That it shall be lawful for the said Market Committee for the Time being, or any Five or more of them, from and out of the said Rents and Profits and Savings as aforesaid, to contribute and apply any Sum not exceeding Four thousand Pounds towards the Costs and Expences of widening a certain Street or Lane in the said City called *Jesus College Lane*, running from the Corn Market into the *Turl.*

[Section 29 prescribes a form of Conveyance to the Chancellor, Masters, and Scholars, and the Mayor, Bailiffs, and Commonalty, or to the Commissioners.

Section 30 provides that lands not required by reason of the abandonment of any works shall revert to their original owners.

Section 31 exempts the Commissioners and members of the Market Committee from personal responsibility on contracts or instruments and authorizes the payment of damages and costs out of the monies to arise under the Acts or out of the market rents.]

For raising
Money.

XXXII. And be it further enacted, That the Sum or Sums of Money necessary for carrying into effect the several Purposes of this Act by the said Commissioners (except as respects the said Mileways, Bridge, and Avenues,) shall be annually ascertained, together with the Sums

directed by the last herein recited Act to be ascertained A. D. 1835.
for new-paving and pitching and for repairing, lighting,
and cleansing, the several public Streets, Lanes, Ways,
Passages, and Places within the said University, City,
Suburbs, and Parish of *Saint Clement*; and that Two
Fifth Parts of the whole of such Sums shall be paid by the
said University in the Manner directed by the secondly
herein recited Act; and the remaining Three Fifths thereof
shall be raised by Rates or Assessments to be made by
the said Commissioners, or any Seven or more of them,
in such Proportions as they shall think fit, to be laid by
Pound Rates upon the Owners and Occupiers of all Houses,
Buildings, Yards, Gardens, Lands, Tenements, and Here-
ditaments within the said University and City, and the
Suburbs of the said City, and the said Parish of *Saint
Clement*, as directed by the said last herein recited Act, not
exceeding the Sums therein mentioned, and to be collected,
levied, and recovered in such and the same Manner, and
subject to the several and respective Powers, Provisions, and
Regulations, as the Rates and Assessments mentioned in
the said last herein recited Act are directed to be made,
laid, collected, levied, and recovered.¹

[Sections 33-35 relate to the raising of rates from occu-
piers and owners.

Section 36 requires the accounts of the Commissioners'
Treasurer to be audited.]

XXXVII. And be it further enacted, That so much of the said first-recited Act as empowers the Committee appointed by the said Chancellor, Masters, and Scholars of the University of *Oxford*, and the Mayor, Bailiffs, and Commonalty of the said City of *Oxford*, to raise, borrow, take, and receive any Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds, for the Purposes in the said recited Act mentioned, and also so much of the same Act as empowers the said University or City to let out the Ground or Site of the said present Market Place upon a Building Lease or Leases as therein

Repealing
Powers of
11 G. 3. as
to borrow-
ing Money
for the
Market.

¹ See 21 Geo. 3. c. 47. ss. 10-18 (*supra*). •

A. D. 1835. mentioned, and so much of the same Act as empowers the said Market Committee for the Time being to raise Money for the Purposes of the said Act, so far as regards the said Market, by the Sale or Grant of Annuities as therein mentioned, shall be and is hereby repealed.¹

Power to
borrow
Money.

XXXVIII. And be it further enacted, That for the more speedy and effectual raising such Sum and Sums of Money as shall be necessary and sufficient for the Purchase of any Houses, Buildings, Lands, Tenements, or other Hereditaments for the Purposes of the said Market under the Authority of this Act, it shall be lawful for the Committee for the Time being appointed or to be appointed by the said Chancellor, Masters, and Scholars of the University of *Oxford*, and the said Mayor, Bailiffs, and Commonalty of the City of *Oxford*, and they are hereby empowered, from Time to Time (subject as herein-after is mentioned) to borrow and take up at Interest upon the Credit of the Rents and Stallages or Sums of Money arising from the said Markets, or payable and to be paid by the several Persons who shall rent, use, or hire any Shop, Stall, Standing, Place, or Convenience within the Market established by the said recited Acts, or any Enlargement thereof or Addition which may hereafter be made thereto, or any new or additional Market to be purchased and established by virtue of this Act, and upon the Market Houses, Offices, Buildings, Shops, Stalls, Standings, Shambles, and Conveniences within, or standing and being upon the Site of the same Market or respective Markets, such Sum and Sums of Money as shall be necessary, and as the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, shall by Writing under their respective Hands and Seals authorize to be borrowed and taken up at Interest thereon, not exceeding in the whole the Sum of Twenty thousand Pounds, and the said Committee for the Time being shall and may, by Writing under their Hands and Seals, or under the Hands and Seals of any Five or more of them, mortgage or assign over all or

¹ See 11 Geo. 3. c. 19. s. 94 (*supra*).

any Part of the Rents, Stallages, and Sums of Money A. D. 1835.
aforesaid, or of the Market Houses, Offices, Buildings,
Shops, Stalls, Standings, Shambles, and Conveniences
aforesaid, to the Person or Persons who shall lend or ad-
vance the said Money, or to his, her, or their Trustee or
Trustees, as a Security for the Money so to be borrowed,
with Interest for the same, together with such other Se-
curity as shall be agreed on between the Parties, either in
the Form herein-after mentioned, or in such other Manner
or Form as shall be agreed upon; and the Charges and
Expences of such Mortgages and Assignments shall be
from Time to Time defrayed and paid out of the Money
so borrowed; . . .

[The section then proceeds to set out and authorize the
use of a statutory form of mortgage.

Section 39 deals with transfers of mortgages.

Sections 40-45 authorize and contain provisions with
regard to the raising of the whole or part of the
£20,000 by the Market Committee by granting re-
purchaseable annuities for life or lives or periods not
• exceeding forty years, the amount of the annuities to
be regulated by the price of consols at the time of
granting the same, in the manner and at the rate not
exceeding by more than one-fifth the rate prescribed
for granting annuities on government securities.

Section 46 requires transfers of mortgages, annuities, or
other securities to be made by deed duly stamped.

Section 47 provides that the Act shall not affect mort-
gages on annuities already granted under 11 Geo. 3.
c. 19 (*supra*). •

Section 48 empowers the Market Committee to prescribe
what marketable goods shall be exposed for sale in
the new market when established, and section 49 im-
poses penalties on persons exposing for sale such goods
elsewhere.

Section 50 gives the Committee power to let shops,
stalls, &c. in the old or new market, and section 51

A. D. 1835

- gives powers of seizure and distress for recovery of the rents and stallage.

Section 52 prohibits under a penalty the slaughtering of cattle in the old or new market.]

Power to
make Bye
Laws.

LIII. And be it further enacted, That for the better regulating and managing the said present Market, and any Extension or Enlargement thereof, and any new or additional Market Place in case and when the same shall be made and established under the Provisions of this Act, it shall be lawful for the said Market Committee, or any Five or more of them (with the Consent and Approbation of the Vice Chancellor of the University of *Oxford* for the Time being by Writing under his Hand), and they are hereby authorized, from Time to Time to make, provide, constitute, and ordain such Rules, Regulations, Orders, and Bye Laws as they shall think fit and necessary for the better regulating, cleansing, letting, occupying, and using the said present or the said additional Market Place and Market when established, or any Part or Parts thereof respectively, and also for the regulating, setting out, and fixing up and Removal of all Blocks, Trustles, and other Articles used by Butchers and others exposing Meat, Provisions, and other Commodities in and during the Time of the said Market or Markets, and for regulating, ordering, and governing all Persons, both Buyers and Sellers, and all others thereto coming and resorting, in all Matters which do or may concern or relate to the said Market or Markets respectively, and for the preventing the Sale of or exposing to Sale any unwholesome Meat, Fish, or other Provisions in the said Market or Markets, and likewise for regulating and ordering all other Matters and Things which do or may concern or relate to the said Market or Markets respectively; and the said Committee for the Time being, or any Five or more of them, may, by and with such Consent as aforesaid, from Time to Time as they shall think fit repeal, alter, add to, or amend such Rules, Regulations, Orders, and Bye Laws, or any of them, and shall ascertain and therein set down what pecuniary and other Penalties and Forfeitures

shall be incurred by Persons breaking or evading such Rules, Regulations, Orders, and Bye Laws, or any of them; provided that no pecuniary Penalties shall exceed the Sum of Forty Shillings for any One Offence: Provided always, that such Rules, Regulations, Orders, and Bye Laws shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to the Provisions of the said recited Acts or of this Act, or any or either of them; and all such Rules, Regulations, Orders, and Bye Laws, being published in the Manner herein-after mentioned, shall be good and binding upon and observed by all Persons so as aforesaid coming or resorting to the said Market or Markets respectively.

A. D. 1835.
Bye Laws
not to be
repugnant
to the
Laws of
this Realm,
&c.

[Sections 54-56 deal respectively with the publication, the mode of proving, and the mode of appeal from the rules, regulations, orders, and bye laws.

Sections 57 and 58 provide for the appointment of Officers by the market committee.]

LIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any Manner to abridge or rescind the Rights which the said Chancellor, Masters, and Scholars now enjoy of appointing or nominating One or more Clerk or Clerks of the said present or of any new or additional Market, and of otherwise governing, regulating, and superintending the same as heretofore accustomed, according to the Saving and Reservation in this respect contained in the said Act of the Eleventh Year of the Reign of His Majesty King *George the Third*; nor shall any thing in this Act contained extend or be construed to prejudice or affect any of the Remedies now by Law given to the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty, for the Recovery of the said Rents, Stallages, Sum or Sums of Money, or extend to take away the Right of the said Mayor, Bailiffs, and Commonalty to such Pitching-pence or Tolls as before the passing of the said last-mentioned Act were paid to them or their Toll Gatherer

The
ancient
Rights of
the Uni-
versity and
City, with
reference
to the
Markets,
reserved.

A. D. 1835. by Butchers, Gardeners, and others, but that the same Rights respectively shall remain and belong to the said Chancellor, Masters, and Scholars, and the said Mayor, Bailiffs, and Commonalty respectively, as they had before the passing of this Act.

[Section 60 imposes a penalty for obstructing market officers, destroying, defacing, injuring, or removing buildings or other property or notices.

Section 61 extends to the new market all provisions in 11 Geo. 3. c. 19 (*supra*) and 21 Geo. 3. c. 47 (*supra*) relating to the old market.

Section 62 enables the Committee to sue or be sued in the name of their Clerk.

Sections 63–69 impose penalties in respect of various nuisances.

Section 70 provides that the Commissioners ‘shall and may if they shall deem it expedient’ cause the names of streets to be put up, and also ‘shall and may cause every House, Shop, Warehouse, or Building (not being Part of a College or Hall, Church or Chapel, or other public Edifice or Building,) to be marked and numbered in such Manner as they shall think most proper for distinguishing the same’; and imposes a penalty for wilfully obliterating or removing any name, mark, or number.

Section 71 imposes a penalty on the Owners or occupiers neglecting to restore the number on a house which has become defaced, after receiving notice to do so.

Section 72 authorizes the Commissioners to provide fire engines.

Section 73 imposes penalties in respect of a number of nuisances.

Section 74 empowers the Commissioners to set up gas works for lighting the streets; sections 75–85 contain various provisions with regard to such gas works and nuisances caused by escape of gas and contamination of water; section 76 allows the Commissioners to supply gas to any persons; and section 82 requires

them to lay their pipes below those of the Oxford Gas Light and Coke Company. A. D. 1835.

Sections 86-97 relate to proceedings for recovery of penalties, service of notices, and other legal matters.

Section 98 provides for the payment of the expenses of the Act, one moiety by the Turnpike Commissioners out of the tolls, and the other moiety by the Market Committee and the Paving and Lighting Commissioners in equal proportions out of the money arising from rates and assessments and the market rents and dues respectively.]

XCIX. And be it further enacted, That all the Clauses, Powers, Provisions, Regulations, and Authorities enacted by or contained in either of the said Three recited Acts, and now in force, (except so far as the same are by this Act repealed or varied, and save and except such Parts as relate to Exemptions from Stamp Duties,) shall for the Purposes of this Act, and together with this Act, be applied to and be executed and put in force for the Purposes therein and herein mentioned and specified, in as full and ample a Manner as if the same were specially repeated and re-enacted in or by this Act. Provisions in former Acts continued, except as repealed or varied.

C. Provided always, and be it further enacted, That nothing in this Act or the said recited Acts shall extend, or be deemed or construed to extend, to take away, diminish, or impede the Exercise of any Privilege or Right whatsoever of the said University, or of any of the Magistrates, Officers, Ministers, or Servants thereunto belonging, or of any Privilege or Right whatsoever of the said City, or of any of the Magistrates, Officers, or Servants thereunto belonging. Saving the Privileges of the University and City.

CI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

CII. And be it further enacted, That so much of the said recited Acts passed in the Eleventh, Twenty-first, and Fifty-second Years of the Reign of His Majesty King Term and Continuance of this Act.

A. D. 1835. *George* the Third, and this Act, as relates to the Tolls thereby and hereby respectively granted, and to the Mileways, Bridge, and Avenues thereto, shall commence and take effect from and after the passing of this Act, and shall from thenceforth continue and be in full Force and Effect for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

5° & 6° GUL. IV. Cap. cvii.

An Act for making a Railway from *Bristol* to join the *London* and *Birmingham* Railway near *London*, to be called 'The Great Western Railway', with Branches therefrom to the Towns of *Bradford* and *Trowbridge* in the County of *Wilts.*
[31st August 1835.]

Company
not to
make any
Branch
to or
through
Eton,

XCIX. And be it further enacted, That notwithstanding any thing in this Act contained it shall not be lawful for the said Company to alter or divert in a Southern Direction any Part of the said Line of Railway in the Parishes of *Langley Marish*, *Upton cum Chalvey*, *Stoke Poges*, *Farnham Royal*, and *Burnham* in the County of *Bucks*, as at present laid down in the Plan thereof deposited with the Clerk of the Peace for the said County of *Bucks*, further than to the Extent of One hundred Yards, nor to form, make, or lay down, or aid, encourage, or in any Manner assist or concur in forming, making, or laying down, any other Railway or Tramroad, or other Road or Way whatsoever, to the South of the said Line, passing or approaching within Three Miles of the said College of *Eton*, and communicating with the said Railway hereby authorized to be made, without the Consent of the Provost and Fellows for the Time being of the said College of *Eton*, to be signified by some Writing under their Corporate Seal.

No Person
or Com-

C. And be it further enacted, That notwithstanding any thing in this Act contained it shall not be lawful for any

Company or any Person whomsoever to form, make, or lay down any Branch Railway or Tramroad; or other Road of Way whatever, passing or approaching within Three Miles of the said College of *Eton*, and communicating with the said Railway hereby authorized to be made, without the Consent of the Provost and Fellows for the Time being of the said College of *Eton*, to be signified by some Writing under their Corporate Seal.

A. D. 1835.
pany to
make a
Branch to
or through
Eton.

CI. Provided always, and be it further enacted, That no Depôt, Station, Yard, Wharf, Waiting, Watering, Loading, or Unloading Place, shall be made or constructed by the said Company within the Parishes of *Langley Marish, Upton cum Chalvey, Stoke Poges, Farnham Royal, and Burnham*, in the said County of *Bucks*, being within Three Miles of the said College, without the Consent of the Provost and Fellows for the Time being of the said College of *Eton*, to be signified by some Writing under their Corporate Seal.

No Depôt,
&c. to be
within
Three
Miles of
Eton
College.

CII. Provided also, and be it further enacted, That the said Company shall and they are hereby required, at their own Expence, to erect, and at all Times thereafter to maintain and keep in perfect Repair, a good and sufficient Fence on each Side of such Part of the said Railway as passes through the said Parishes of *Langley Marish, Upton cum Chalvey, Stoke Poges, Farnham Royal, and Burnham*, in the said County of *Bucks*, for the Distance of Four Miles.

Company
to maintain
a Fence
on each
Side of the
Line for
Four Miles
through
certain
Parishes
near Eton.

CIII. And be it further enacted, That the said Company shall at all Times, at their own Costs and Expences, in every respect maintain a sufficient additional Number of Persons for the Purpose of preventing or restricting all Access to the said Railway by the Scholars of *Eton College* aforesaid, whether on the Foundation or otherwise, on such Part of the said Railway as is herein-before directed to be fenced off; and that the said Persons shall be appointed by the Directors of the said Company, subject always to the Approval of the Provost and Head Master, or either of them, for the Time being, of *Eton College* aforesaid, and shall be of such Number as the said Provost and Head Master, or either of them, shall think requisite and

Company
to appoint
an additional
Number of
Persons to
prevent the
Eton
Scholars
from using
the Rail-
way.

A. D. 1835. determine, and shall in every respect be under the Orders, Control and Direction of the said Provost and Head Master, or either of them, and shall be liable to be dismissed by the said Directors, upon the Representation and Demand of the said Provost and Head Master, or either of them.

6° & 7° GUL. IV. CAP. XXXVII.

A. D. 1836. An Act to repeal the several Acts now in force relating to Bread to be sold out of the City of *London* and the Liberties thereof and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*; and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, beyond the Limits aforesaid. [28th July 1836.]

All Acts relating to the making and selling of Bread, or to the Punishment for adulterating Meal, &c. out of the City of London and beyond the Bills of Mortality, repealed.

[Section 1 enacts 'That from and after the First Day of *October* One thousand eight hundred and thirty-six all and every Acts or Act of Parliament now in force relating to the making and selling of Bread, or to the Assize and Price thereof, or to the Punishment of Persons who shall adulterate Meal, Flour, or Bread, or who shall sell Bread deficient in its due Weight, out of the City of *London* and the Liberties thereof, and beyond the Weekly Bills of Mortality and Ten Miles of the *Royal Exchange*, be and the same are hereby repealed; and there shall be no longer any Assize of Bread beyond the Limits aforesaid, or any Regulation respecting the Price thereof'.]

Proviso for Rights of particular Persons.

XXXIII. Provided always, and be it enacted, That this Act or any thing herein contained shall not extend or be construed to extend in any Way to affect, lessen, or infringe upon any Right or Custom of the Universities of *Oxford* or *Cambridge* or either of them, or of any Lord or Lords of any Leets, or the Rights of any Clerk or Clerks of the Market in any Place which may be exercised and enjoyed by them or any of them by virtue of any Charter, Bye Laws, Pre-

scriptions, Usages, Customs, Privileges, Grants, or Acts of Parliament, except so far as relates to the Assize of Bread and the Regulations of the Price and Weight thereof; but that all such Rights and Privileges shall be held, exercised, and enjoyed, by the Parties respectively entitled thereto, as fully and amply to all Intents and Purposes as the same were held, exercised, and enjoyed, before the passing of this Act, any thing herein contained to the contrary notwithstanding.¹

6° & 7° GUL. IV. CAP. LXVII.

An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.

[13th August 1836.]

[Section 1 recites that Ecclesiastical Commissioners had been appointed, and had made certain reports, and that it was expedient that these should be further considered in the next Session of Parliament. It then proceeds to enact that vacancies which had occurred or might occur during the continuance of the Act in any Canonry, Prebend, Dignity, or Benefice without cure of Souls should not be filled up.]

Vacancies in Canonries, Prebends, or Dignities not to be filled up. Proviso.

... Provided always, that nothing herein contained shall be construed to apply to . . . nor to either of the Two Canonries of *Christ Church*, which are respectively annexed to the Regius Professorships of Divinity² and Hebrew in the University of *Oxford*, nor to the Prebend in the Cathedral Church of *Worcester*, which is annexed to the Lady *Margaret's* Professorship of Divinity in the same University,³ . . . nor to the Prebends in the Cathedral Churches

¹ As to the rights of the Universities and their Clerks of the Market relating to the Assize of Bread see 12 Edw. 4 and note thereto (*supra*) and 5 Ric. 2 and note thereto (Appendix I (*infra*)); see also the following saving clauses (*supra*), 8 Ann. c. 19 [c. 18., Ruff.] s. 14, 31 Geo. 2. c. 29. s. 44, 3 Geo. 3. c. 11. s. 25, 53 Geo. 3. c. 116. s. 12, 59 Geo. 3. c. 36. s. 25, 1 & 2 Geo. 4. c. 50. s. 24, and 5 Geo. 4. c. 50. s. 2.

² See 10 Ann. c. 45 [c. 12., Ruff.] (*supra*).

³ As to the Regius Professorship of Hebrew and Lady Margaret's Professorship of Divinity see 3 & 4 Vict. c. 113. s. 5 and notes thereto (*infra*).

A. D. 1836. of *Gloucester, Norwich, and Rochester*, which are respectively annexed to the Masterships of *Pembroke College in Oxford* and of *Catherine Hall in Cambridge*, the Provostship of *Oriel College in Oxford*,¹ and the Archdeaconry of *Rochester* respectively, . . . nor to any Benefice without Cure of Souls which is in the Patronage of any College in either of the Universities or of any private Patron, nor to any Canonry in the Chapter of *Christ Church in Oxford* by the Vacancy of which the Canonries in the said Chapter shall be reduced below the Number of Six, . . .

6° & 7° GUL. IV. CAP. CV.

His Majesty may appoint the Vice Chancellor of Cambridge University to be a Justice of the Borough.

An Act for the better Administration of Justice in certain Boroughs.² [20th August 1836.]

Proviso as to Vice Chancellor's Power of licensing Ale-houses.

XII. And whereas Doubts have been entertained whether, under the Provisions of the said recited Act,³ it may be lawful for His Majesty from Time to Time to constitute and appoint the Vice Chancellor of the University of *Cambridge* for the Time being a Justice of the Peace in and for the Town and Borough of *Cambridge*; be it therefore enacted, That it shall be lawful for His Majesty, His Heirs and Successors, from Time to Time, if His Majesty shall so think fit, in and by His Commission of the Peace for the said Town and Borough to constitute and appoint the Vice Chancellor of the University for the Time being a Justice of the Peace for the said Town and Borough, any thing in the said recited Act or in this Act to the contrary notwithstanding: Provided always, that no Vice Chancellor of the said University, by reason of his being named in any Commission of the Peace for the said Town and Borough, shall thereby have, as touching the Grant of Licences to Ale-houses, any greater Authority as Justice of the Peace than

¹ As to the prebends annexed to the headships of the three Colleges see 13 Ann. [12 Ann. St. 2., Ruff.] c. 6 (*supra*), and as to the severance of that annexed to the Provostship of *Oriel* see 40 & 41 Vict. c. 48. s. 25 and note thereto (*infra*).

² This Act was repealed by 45 & 46 Vict. c. 50. s. 5 (*infra*).

³ The Municipal Corporations Act, 1835 (5 & 6 Will. 4. c. 76) (*supra*).

any other Justice of the Peace named in any such Commission, but that nothing in this Act shall be construed to alter or in any way to affect the Rights and Privileges which the Vice Chancellor by virtue of his Office now lawfully has or enjoys, or might have lawfully had and enjoyed if the Vice Chancellor had not been appointed under the Provisions of this Act a Justice of the Peace for the said Town and Borough.¹ A. D. 1836.

1° & 2° VICT. CAP. XXIII.

An Act to amend the Law for providing fit Houses for the beneficed Clergy. [9th May 1838.]

[This Act enlarges the powers given by 17 Geo. 3. c. 53 (*supra*) and 21 Geo. 3. c. 66, by enabling every Incumbent to borrow, for the purposes and in the manner prescribed by the Act, money not exceeding three years' net income of his living, and to mortgage the glebe &c. for thirty-five years as a security.]

V. And be it enacted, That it shall be lawful for any College or Hall within the Universities of *Oxford* or *Cambridge*, or for any other Corporate Bodies possessed of the Patronage of Ecclesiastical Benefices, to advance and lend any Sum or Sums of Money of which they have the Power of disposing in order to aid and assist the several Purposes of this Act, for the building, rebuilding, repairing, or purchasing of any Houses or Buildings for the Habitation or Convenience of the Clergy, or Sites for such Houses and Buildings, upon Benefices in the Patronage of such Colleges or Halls respectively, upon the Mortgage and Security directed by this Act for the Repayment of the Principal, without taking any Interest for the same.² Colleges, &c. may advance Money Interest-free to Benefices in their Patronage for Houses.

¹ As to the Vice-Chancellor's claim to license alehouses in Cambridge see 9 Ann. c. 16 [c. 23., Ruff.] s. 54 (*supra*) and 19 & 20 Vict. c. xvii. s. 8 (*infra*), and notes to those sections.

² For powers of lending for other like purposes see (*supra*) 17 Geo. 3. c. 53. s. 13 and 55 Geo. 3. c. 147. s. 9, and (*infra*) 1 & 2 Vict. c. 106. s. 73 and 28 & 29 Vict. c. 69. s. 3; and for power to apply money held by Oxford Colleges on trust to purchase advowsons or in or towards building parsonage houses on benefices in their patronage see 20 & 21 Vict. c. 25. s. 3 (*infra*).

1° & 2° VICT. CAP. XLVIII.

A. D. 1838. An Act to amend the Laws relating to the Qualification of Members to serve in Parliament.¹

[27th July 1838.]

[Section 1 repeals 9 Ann. c. 5 (*supra*) and 33 Geo. 2. c. 20 (*supra*), and the Act makes fresh provision for the qualification of members of parliament.]

Not to
extend to
the Mem-
bers for the
Universi-
ties;

IX. Provided always, and be it enacted, That nothing in this Act contained shall extend to either of the Universities in that Part of *Great Britain* called *England*, or to the University of *Trinity College, Dublin*, in *Ireland*, or to any Member or Members elected and returned to serve in Parliament by any of the said Universities, but that they and each of them may elect and return Members to represent them in Parliament, and that the Members so elected and returned may sit and vote in the House of Commons, notwithstanding such Members or any of them may not, at the Time of their Election and Return, or afterwards, possess any such Qualification as is herein required, or deliver in such Paper, or make or subscribe such Declaration as is herein required, any thing herein contained to the contrary notwithstanding: . . .

1° & 2° VICT. CAP. CVI.

An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy. [14th August 1838.]

[Section 1 repeals so much of 21 Hen. 8. c. 13 (*supra*) and 57 Geo. 3. c. 99 (*supra*) 'as is now in force'; and sections 2-11 limit the holding of preferments or benefices in plurality, prohibiting the holding of more

¹ This Act was repealed by 21 & 22 Vict. c. 26, which abolished property qualifications for members of Parliament.

than one cathedral preferment, of more than one benefice with a cathedral preferment, and of more than two benefices. The holding of two benefices is only permitted by dispensation under certain conditions of value and proximity.¹

Section 15 repeals 17 Car. 2. c. 3 (*supra*).

Section 32 imposes penalties for non-residence without licence during three months in any year.]

XXXVII. And be it enacted, That no Spiritual Person, being Head Ruler of any College or Hall within either of the Universities of *Oxford* or *Cambridge*, or being Warden of the University of *Durham*, or being Head Master of *Eton*, *Winchester*, or *Westminster* School, or Principal or any Professor of the *East India College*, having been appointed such Principal or Professor before the Time of the passing of this Act, and not having respectively more than One Benefice with Cure of Souls, shall be liable to any of the Penalties or Forfeitures in this Act contained for or on account of Non-residence on any Benefice.

Certain Persons exempt from Penalties for Non-residence.

XXXVIII. And be it enacted, That no Spiritual Person being Dean of any Cathedral or Collegiate Church, during such Time as he shall reside upon his Deanery, and no Spiritual Person having or holding any Professorship or any public Readership in either of the said Universities, while actually resident within the Precincts of the University, and reading Lectures therein, (provided always that a Certificate under the Hand of the Vice Chancellor or Warden of the University, stating the Fact of such Residence, and of the due Performance of such Duties, shall in every such Case be transmitted to the Bishop of the Diocese wherein the

Privileges for temporary Non-residence.

¹ For further restrictions upon the holding of cathedral preferments or benefices with the headships of colleges and certain other offices see 13 & 14 Vict. c. 98 (*infra*).

For special provisions against plurality in the case of persons presented by the Universities to benefices in the patronage of Roman Catholics, see 3 Jac. 1. c. 5. s. 13 (*supra*), and 1 W. and M. [1 W. & M. Sess. 1., Ruff.] c. 26. s. 2 (*supra*), and see the last cited enactment for a provision against non-residence. The former provisions were repealed by 61 & 62 Vict. c. 48. s. 7 (*infra*), the latter by 32 & 33 Vict. c. 109 (*infra*).

A. D. 1838. Benefice held by such Spiritual Person is situate within Six Weeks after the Thirty-first Day of *December* in each Year;) . . . and no Spiritual Person, being Provost of *Eton College*, or Warden of *Winchester College*, or Master of the *Charter House*, or Principal of *Saint David's College*, or Principal of *King's College, London*, during the Time for which he may be required to reside and shall actually reside therein respectively, shall be liable to any of the Penalties or Forfeitures in this Act contained for or on account of Non-residence on any Benefice for the Time in any Year during which he shall be so as aforesaid resident, engaged, or performing Duties, as the Case may be, but every such Spiritual Person shall, with respect to Residence on a Benefice under this Act, be entitled to account the Time in any Year during which he shall be so as aforesaid resident, engaged, or performing Duties, as the Case may be, as if he had legally resided during the same Time on some other Benefice; any thing in this Act contained to the contrary notwithstanding.

Perform-
ance of
Cathedral
Duties, &c.
may be
accounted
as Resi-
dence,
under cer-
tain Re-
strictions.

XXXIX. And be it enacted, That it shall be lawful for any Spiritual Person, being Prebendary, Canon, Priest Vicar, Vicar Choral, or Minor Canon in any Cathedral or Collegiate Church, or being a Fellow of one of the said Colleges of *Eton* or *Winchester*, who shall reside and perform the Duties of such Office during the Period for which he shall be required to reside and perform such Duties by the Charter or Statutes of such Cathedral or Collegiate Church or College, as the Case may be, to account such Residence as if he had resided on some Benefice: Provided always, that nothing herein contained shall be construed to permit or allow any such Prebendary, Canon, Priest Vicar, Vicar Choral, Minor Canon, or Fellow, to be absent from any Benefice on account of such Residence and Performance of Duty for more than Five Months altogether in any One Year, including the Time of such Residence on his Prebend, Canonry, Vicarage, or Fellowship: Provided also, that it shall be lawful for any Spiritual Person having or holding any such Office in any Cathedral or Collegiate Church or College in which the Year for the Purposes of Residence is

accounted to commence at any other Period than the First of *January*, and who may keep the Periods of Residence required for Two successive Years at such Cathedral or Collegiate Church or College, in whole or in part, between the First of *January* and the Thirty-first of *December* in any One Year, to account such Residence, although exceeding Five Months in the Year, as reckoned from the First of *January* to the Thirty-first of *December*, as if he had resided on some Benefice, any thing in this Act contained to the contrary notwithstanding.

[Section 62 enacts, that on the avoidance of any benefice worth more than £100 a year not having a fit house of residence the Bishop shall raise money, not exceeding four years' net income of the benefice, by mortgage of the glebe &c. for thirty-five years, for the purpose of building and repairing; and section 70 enables the Bishop in certain cases to raise money for purchasing a house, or land on which a house may be built, by mortgage in like manner.]

LXXIII. And be it enacted, That it shall be lawful for any College or Hall within the Universities of *Oxford* and *Cambridge*, or for any other Corporate Bodies possessed of the Patronage of Ecclesiastical Benefices, to advance and lend any Sum or Sums of Money of which they have the Power of disposing in order to aid and assist the several Purposes of this Act for the building, rebuilding, repairing, or purchasing of any Houses or Buildings for the Habitation and Convenience of the Clergy, upon Benefices under the Patronage of such College or Hall, upon the Mortgage and Security directed by this Act for the Repayment of the Principal, without taking any Interest for the same.¹

Colleges in Oxford and Cambridge and other Corporate Bodies, Patrons of Livings, may lend any Sums without Interest, to aid the Execution of this Act.

¹ See note to 1 & 2 Vict. c. 23. s. 5 (*supra*).

2° & 3° VICT. CAP. XII.

A. D. 1839. An Act to amend an Act of the Thirty-ninth Year of King *George* the Third, for the more effectual Suppression of Societies established for seditious and treasonable Purposes, and for preventing treasonable and seditious Practices, and to put an End to certain Proceedings now pending under the said Act.¹ [4th June 1839.]

[Section 1 repeals 39 Geo. 3. c. 79. s. 27 (*supra*).]

Penalty upon Printers for not printing their Name and Residence on every Paper or Book; and on Persons publishing the same.

II. And be it enacted, That every Person who after the passing of this Act shall print any Paper or Book whatsoever, which shall be meant to be published or dispersed, and who shall not print upon the Front of every such Paper, if the same shall be printed on One Side only, or upon the first or last Leaf of every Paper or Book which shall consist of more than One Leaf, in legible Characters, his or her Name and usual Place of Abode or Business, and every Person who shall publish or disperse, or assist in publishing or dispersing, any printed Paper or Book on which the Name and Place of Abode of the Person printing the same shall not be printed as aforesaid, shall for every Copy of such Paper so printed by him or her forfeit a Sum not more than Five Pounds: Provided always, that nothing herein contained shall be construed to impose any Penalty upon any Person for printing any Paper excepted out of the Operation of the said Act, either in the said Act or by any Act made for the Amendment thereof.

Proviso.

As to Books or Papers printed at the University Presses.

III. And be it enacted, That in the Case of Books or Papers printed at the University Press of *Oxford*, or the *Pitt* Press of *Cambridge*, the Printer, instead of printing his Name thereon, shall print the following Words: "Printed at the University Press, *Oxford*," or "The *Pitt* Press, *Cambridge*," as the Case may be.

¹ This Act was repealed by 32 & 33 Vict. c. 24. s. 1 (*infra*), but ss. 2, 3, & 4 were thereby re-enacted.

IV. Provided always, and be it enacted, That it shall not be lawful for any Person or Persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any Action, Bill, Complaint, or Information in any of Her Majesty's Courts, or before any Justice or Justices of the Peace, against any Person or Persons, for the Recovery of any Fine, Penalty, or Forfeiture made or incurred, or which may hereafter be incurred under the Provisions of this Act, unless the same be commenced, prosecuted, entered, or filed in the Name of Her Majesty's Attorney General or Solicitor General in that Part of *Great Britain* called *England*, or Her Majesty's Advocate for Scotland (as the Case may be respectively); and if any Action, Bill, Complaint, or Information shall be commenced, prosecuted, entered, or filed in the Name or Names of any other Person or Persons than is or are in that behalf before mentioned, the same, and every Proceeding thereupon had, are hereby declared and the same shall be null and void to all Intents and Purposes.

A. D. 1839.
No Actions for Penalties to be commenced, except in the Name of the Attorney or Solicitor General in England, or the Queen's Advocate in Scotland.

VI. And be it enacted, That the said Act, and all Acts made for the Amendment thereof, except so far as herein repealed or altered, shall be construed as One Act together with this Act.

Former Acts and this Act to be construed as one Act.

2° & 3° VICT. CAP. XXIII.

An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Paper made in the United Kingdom.¹

[19th July 1839.]

WHEREAS the Laws for collecting and securing the Duties of Excise on Paper, Button-board, Mill-board, Paste-board, and Scale-board have become numerous

¹ The allowances and drawbacks for the Universities are repealed from the previous Acts repealed by s. 67. By 24 and 25 Vict. c. 20. s. 4 the paper duties and all allowances and drawbacks in respect thereof ceased on the 1st of October, 1861, and 'all Acts, Clauses, Provisions, and Regulations for charging, levying, collecting, allowing, and paying the said Duties, Allowances, and Drawbacks respectively' were by that section repealed.

A. D. 1839. and complicated, and it is expedient to consolidate and amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual, and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall be raised
 Duties. levied and collected, allowed, granted, and paid, the Duties, Allowances, and Drawbacks of Excise following; (that is to say,)

On every Pound Weight Avoirdupois of all Paper, Glazed Paper, Sheathing Paper, Button Paper, or by whatsoever Name any Paper may be known, and on all Button-board, Mill-board, Paste-board, and Scale-board, made in the United Kingdom, a Duty of One Penny Halfpenny :

Allow-
ances.

For all paper made and charged with Duty in the United Kingdom which shall be used in the printing of any Books in the Latin, Greek, Oriental, or Northern Languages within the Universities of *Oxford* and *Cambridge*, or within the Universities of *Scotland*, or the College of the Holy and Undivided Trinity of Queen *Elizabeth*, *Dublin*, by Permission of the Vice Chancellors, Rectors, or Principals or Provost of the said Universities respectively, or which shall be used in the printing of Bibles, Testaments, Psalm Books, Books of Common Prayer of the Church of *England*, the Book commonly called or known in *Scotland*, by the Name of "The Confession of Faith", or the Larger or Shorter Catechism of the Church of *Scotland*, within the Universities of *Oxford* and *Cambridge*, and *Trinity College*, *Dublin*, by Permission of the Vice Chancellors or Provost of the same, or by the Queen's Printers in *England*, *Scotland*, and *Ireland* respectively, an Allowance of One Penny Halfpenny the Pound Avoirdupois :

XLIV. And be it enacted, That the Allowance of the A. D. 1839.
 Duty on Paper used in the printing of Books in the Latin, Regulations
 Greek, Oriental or Northern Languages within the Uni- for obtaining
 versities of *Oxford and Cambridge*, the Universities of the Allow-
Scotland, and the University of *Trinity College, Dublin*, ance of
 shall be made and allowed in manner following; (that is Duty on
 to say,) the chief Manager of the Press in the said Uni- Books
 versities respectively shall, Forty-eight Hours before any printed in
 such Paper shall be begun to be printed, give to the the Latin,
 proper Officer of Excise a Notice in Writing of the Greek, Oriental
 Intention to print such Paper, specifying the Number of Languages
 Reams of Paper and the Title of the Book intended to in the
 be printed, and of how many Copies the Edition is to Univer-
 consist; and upon the Attendance of the Officer of Excise sities.
 all such Paper shall be produced to him enclosed in the
 original Wrappers in which the same was charged with
 Duty, with the respective Labels thereon, and the several
 Matters herein-before prescribed to be marked, written, or
 printed and stamped on such Labels and Wrappers re-
 maining thereon; and such chief Manager of the Press
 shall provide sufficient Scales and Weights, and shall
 permit and assist such Officer to use the same, and to
 ascertain the Weight of such Paper; and within One
 Month after the whole of such Edition shall have been
 printed off such chief Manager shall give to the proper
 Officer of Excise Forty-eight Hours Notice in Writing,
 specifying a Day and Hour when such Edition will be
 ready to be produced to him, and thereupon such Officer
 shall attend and examine and weigh the whole of such
 Edition unbound and in Sheets, and thereupon give to
 such chief Manager a Certificate of his having so done,
 specifying the Name of the Book, the Size thereof, the
 Number of Copies of which the Edition consists, and the
 Weight of the Paper on which it is printed; but if such
 Weight shall exceed the Weight of the Paper taken
 account of by the Officer previous to the printing, such
 last-mentioned Weight shall be inserted in the Certificate,
 and the Allowance shall be made for no more.

A. D. 1839.

Declara-
tion to be
made by
the chief
Manager of
the Press.

XLV. And be it enacted, That the chief Manager of the Press in the said Universities respectively shall make and subscribe at the Foot or on the Back of such Certificate as aforesaid, before the Vice-Chancellor, Principal, or Rector or Provost of the University respectively, a Declaration in Writing setting forth that the whole of the Edition of the Book so printed was and is printed for the University for which the same expresses to be printed, and that no Bookseller or other Person had or hath any Share or Interest therein, or in the Allowance payable in respect of the Paper on which the same was or is printed.

Regula-
tions for
obtaining
the Allow-
ance on
Paper used
in printing
Bibles,
Testa-
ments, &c.
in the Uni-
versities for
Oxford,
Cam-
bridge, and
Dublin, or
by the
Queen's
Printers.

XLVI. And be it enacted, That the Allowance of the Duty on Paper used in the Universities of *Oxford* and *Cambridge*, and in the University of *Trinity College, Dublin*, or used by the Queen's Printers in *England, Scotland, or Ireland* respectively, in the printing of Bibles, Testaments, Psalm Books, Books of Common Prayer of the Church of *England*, the Book commonly known in *Scotland* by the Name of "The Confession of Faith", or the Larger or Shorter Catechism of the Church of *Scotland*, shall be made and allowed in manner following; (that is to say,) the chief Manager of the Press of such Universities respectively, or such Queen's Printers respectively, shall, Forty-eight Hours before any such Paper is begun to be prepared for printing, give to the proper Officer of Excise a Notice in Writing of the Intention to print such Paper, specifying in such Notice the Number of Reams of Paper so intended to be printed, and whether the same is to be printed for Bibles, Testaments, Psalm Books, Common Prayer Books, Books of Confession of Faith, or the Larger or Shorter Catechism, of what Size the intended Impression or Edition of such Book is to be, and of how many Copies the same is to consist; and all the Paper intended to be used shall, on the Attendance of the Officer of Excise, be produced to him enclosed in the original Wrappers in which the same was charged with Duty, with the respective Labels thereon, and the several Matters herein-before prescribed to be marked, written, or printed

and stamped on such Labels and Wrappers remaining thereon; and such chief Managers and Queen's Printers respectively shall provide good and sufficient Scales and Weights, and shall permit and assist the Officer of Excise to use the same, and to ascertain and take an Account of the true Quantity and Weight of such Paper; and such chief Managers of the Press and such Queen's Printers respectively shall, within One Month after the whole of such Impression or Edition shall have been printed off and finished, give to the proper Officer of Excise Forty-eight Hours Notice thereof in Writing, specifying a Day and Hour when such Impression or Edition will be ready to be produced to him, and thereupon such Officer of Excise shall attend, and inspect, examine, and weigh the whole of such Edition unbound and in Sheets, and shall thereupon give and deliver to such chief Manager of the Press or Queen's Printer, as the Case may be, a Certificate in Writing of his having so done, specifying therein the Name of the Book, together with the Size thereof, and the Number of Copies of which such Impression or Edition consists, and the Weight of the Paper on which the same is printed; but if such Weight shall exceed the Weight of the Paper actually produced to and taken account of by the Officer of Excise previous to the Printing thereof as aforesaid, then and in such Case such last-mentioned Weight shall be inserted in such Certificate, and the Allowance shall be made for no greater Weight than the Weight specified in such Certificate.

XLVII. And be it enacted, That the chief Manager of the Press in the said Universities respectively shall make and subscribe, at the Foot or on the Back of such Certificate, before the Vice Chancellor or Provost of the University, a Declaration in Writing setting forth that no Drawback or Allowance has been before granted or paid on such Paper, and that the whole of the Edition of such Book so printed is printed for the University for which the same expresses to be printed, and that no Bookseller or other Person had or hath any Share or Interest therein, or in the Allowance payable

Declarations to be made by the chief Manager of the Universities and by the Queen's Printers.

A. D. 1839. in respect of the Paper on which the same is printed ; and the Queen's Printers in *England, Scotland, and Ireland* respectively, or the acting Patentee in such Office, shall make and subscribe, at the Foot or on the Back of such Certificate, before the Commissioners of Excise, or such Person as the Commissioners of Excise shall direct and appoint to receive the same, a Declaration in Writing setting forth that no Drawback or Allowance has been, before claimed or paid for or in respect of the Paper mentioned in such Certificate, or any Part thereof, and that the whole of such Impression or Edition of such Bible, Testament, Psalm Book, Book of Common Prayer, Confession of Faith, or Larger or Shorter Catechism has been printed by him or them at his or their usual and ordinary Printing House, on his or their own Account, under and by virtue of the exclusive Patent or Privilege belonging to him or them as such Queen's Printer, and for his or their sole and entire Benefit, Profit, Emolument, and Advantage.

On Production of the Certificate, with Declaration subscribed, to the Commissioners of Excise, they are to direct Payment to be made.

XLVIII. And be it enacted, That on the said Certificates respectively, with such Declaration as aforesaid made and subscribed thereon, being produced to the Commissioners of Excise, the said Commissioners shall and they are hereby required, on being satisfied of the Correctness thereof, to cause Payment of the Amount of the Allowance appearing by such Certificate to be due to be made to the chief Manager of the Press of the said Universities respectively, or to such Person as the Vice Chancellor, Principal, or Rector or Provost of the said Universities respectively shall appoint to receive the same, or to such Queen's Printer by whom or on whose Behalf such Certificate shall be produced, as the Case may be.

As to the Allowances to be granted on Books printed in Latin, Greek, Oriental, or Northern Languages.

XI.IX. And be it enacted, That no such Allowance shall be granted or paid on any Book in the Latin, Greek, or Oriental or Northern Languages unless such Book shall be wholly printed in the Latin, Greek, Oriental, or Northern Languages, as the Case may be: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall see fit, to direct such Allowance to

be made and granted on any Book partly in the Latin, A. D. 1839.
Greek, or Oriental or Northern Languages, and partly in
the English or any other Language.

LIX. And be it enacted, That no Drawback shall be Drawback
allowed for or in respect of the Paper of any Books in the not to be
Latin, Greek, Oriental, or Northern Languages printed allowed on
within the Universities of *Oxford* and *Cambridge*, or the Books in
Universities of *Scotland*, or *Trinity College, Dublin*, by Per- the Latin,
mission of the Vice Chancellors or Principals or Provost of &c. Lan-
the same respectively, nor for or in respect of any Bibles, guages,
Testaments, Psalm Books, or Books of Common Prayer, nor on
Confession of Faith, or Larger or Shorter Catechism, printed Bibles, &c.;
in the Universities of *Oxford* or *Cambridge*, or *Trinity* Books ex-
College, Dublin, or by the Queen's Printers in *England*, ported by
Scotland, or *Ireland* respectively, nor for or in respect of Persons not
any other printed Books exported by any Person not being being
a Printer or Bookseller or Stationer, or which have ever Printers,
been before sold to any Person not using or exercising the &c.
Trade or Business of a Printer or Bookseller or Stationer.

[Section 67 repeals, *inter alia*, 21 Geo. 3. c. 24 (*supra*),
24 Geo. 3. Sess. 2. c. 18, 34 Geo. 3. c. 20 (*supra*),
41 Geo. 3. c. 8 (*supra*), 42 Geo. 3. c. 94 (*supra*), and so
much of 10 Ann. c. 18 [c. 19., Ruff.] (*supra*) as relates
to the Duties, Allowances, and Drawbacks on Paper,
Button-board, Mill-board, Paste-board, or Scale-board,
or the collecting or securing the same.]

2° & 3° VICT. CAP. LXII.

An Act to explain and amend the Acts for the
Commutation of Tithes in *England* and *Wales*.

[17th August 1839.]

XV. And be it declared and enacted, That all the Recited
Provisions in the recited Acts¹ or any of them in any way Acts ex-
tended to

¹ The recited Acts are 6 & 7 Will. 4. c. 71, 7 Will. 4. & 1 Vict. c. 69, and
1 & 2 Vict. c. 64. * The only provision they contain with regard to tithe-barns,
namely, 6 & 7 Will. 4. c. 71. s. 87, is as follows:—

A. D. 1839.
Collegiate
Bodies,
&c., not-
withstand-
ing re-
straining
Statute.

relating to or enabling the pulling down or Sale of Barns and Buildings generally used for housing Tithes paid in Kind, and the Sale of Materials and the Site thereof, either with or without any Farm Buildings or Homesteads thereto belonging, and for the Conveyance and Delivery thereof, and for securing the Consideration Money for the Benefit of the Persons thereunto entitled, shall apply to and may be made available by any Corporate Body or Person, whether as Trustees or otherwise, by any Master and Fellows of any College, Dean and Chapter of any Cathedral or Collegiate Church, Master or Guardian of any Hospital, Parson, Vicar, or any other having any Spiritual or Ecclesiastical Living, being seised or possessed of any such Barns or Buildings, or the Site thereof, notwithstanding any thing in a certain Statute made in the Thirteenth Year of the Reign of Queen *Elizabeth*, for making void fraudulent Deeds made by Spiritual Persons to defeat their Successors of Remedy for Dilapidations, or in any other Statute.

13 Eliz. c.
10.¹

6 & 7 W. 4.
c. 71. s. 77²
extended to

XVI. And be it declared and enacted, That so much of the said Acts or any of them as enables any Owner of

‘And be it enacted, That if any Barns or Buildings belonging to any Tithe Owner having a limited Estate or Interest therein, which shall have been generally used for the housing of Tithes paid in Kind, shall be rendered in the whole or in part useless by reason of any Commutation of Tithes under this Act, it shall be lawful for every such Tithe Owner (with the Consent, nevertheless, of the Commissioners, and subject to such Directions as they may give, to be signified under their Hands and Seal,) to pull down any such Barns or Buildings or any Part thereof, and to sell and dispose of the Materials, or to sell and dispose of all or any of such Barns or Buildings, and the Site thereof, and either with or without any Farm Buildings or Homesteads thereunto belonging, in such Manner as the Commissioners may direct; and upon Payment of the Consideration Money it shall be lawful for every such Tithe Owner (with such Consent as aforesaid) to convey and deliver the Premises sold as aforesaid to the Purchaser thereof, or to such Uses and in such Manner as such Purchaser shall direct; and the Consideration Money in each Case shall be paid to such Tithe Owner, and his Receipt shall be a good Discharge to the Purchaser; and such Tithe Owner shall lay out and invest the Consideration Money in such Manner and for such Trusts as the Commissioners shall direct for the Benefit of the Persons entitled to the said Rent-charge.’

¹ *Supra*.

² Section 77 of 6 & 7 Will. 4. c. 71 is as follows:—

‘And be it enacted, That every Owner of an Estate in Land or Tithes less in the whole than an immediate Estate of Fee Simple or Fee Tail, or which shall

a particular Estate in Lands or Tithes to charge so much of the Expences of the Commutation as is defrayed by him, or any Part thereof, and the Interest thereon, upon the Lands whereof the Tithes are commuted, or upon the Rent-charge to be received by him instead of such Tithes respectively, shall in like Manner extend and be applicable to and may be made available by any Corporate Body or Person, Master or Fellows of any College, Dean and Chapter of any Cathedral or Collegiate Church, Master or Guardian of any Hospital, Parson, Vicar, or any other having any Spiritual or other Ecclesiastical Living, and whether seised in Fee or for a limited Estate in such Lands, Tithes, or Rent-charge, any thing in the said Statute of Queen *Elizabeth*, or any other restraining Statute, or in the Tenure by which such Lands, Tithes, or Rent-charge respectively are holden, to the contrary notwithstanding, but so nevertheless that the Charge upon such Lands or Rent-charge respectively shall be lessened in every Year following such Commutation by One Twentieth Part at least of the whole original Charge thereon.

A. D. 1839.
Corporate
and Col-
legiate
Bodies.

XVII. And be it enacted, That it shall be lawful for any Ecclesiastical Corporation Aggregate, or any Collegiate Body, with the Consent of the said Commissioners testified under their Hands and Seal, to charge with the Amount of the Expences of commuting the Tithes of any Lands of which they are Owners, or any Part of such Expences, with Interest thereon, on any other Lands holden by them to the same Uses or on the same Trusts as the Lands in respect of which such Expences were incurred, but so nevertheless that the Charge upon such Lands shall be lessened in every

Colleges
and Cor-
porations
Aggregate
may charge
Expences
on other
Lands than
those in
respect of
which
such Ex-
pences are
incurred.

be settled upon any Uses or Trusts, may, with the Consent of the Commissioners, and in such Manner as they may direct, charge so much of the Expences of Commutation as is to be defrayed by him, or any Part thereof, and the Interest thereon after the Rate of Four Pounds by the Hundred, upon the Lands whereof the Tithes are commuted, or upon the Rent-charge to be received by him instead of such Tithes respectively, but so nevertheless that the Charge upon such Lands or Rent-charge respectively shall be lessened in every Year following such Commutation by One Twentieth Part at least of the whole original Charge thereon.

A. D. 1839. Year following by One Twentieth Part at the least of the whole Original Charge thereon.¹

2° & 3° VICT. *Cap. ix.*

An Act to amend an Act of the Seventh and Eighth of King *George* the Fourth, for building a new Gaol for the Town of *Cambridge*, and for making further Provision for Payment of Creditors under the said Act. [14th May 1839.]

[This Act amends 7 & 8 Geo. 4. c. cxi (*supra*).]

Act not to
affect
Rights of
the Uni-
versity.

XI. And be it further enacted, that nothing in this Act shall extend or be construed to extend to take away, lessen, or diminish any of the Rights, Liberties, Immunities, Exemptions, Franchises, and Privileges of the Chancellor, Masters, and Scholars of the University of *Cambridge*, or any of the Colleges or Halls within the said University, any thing herein contained to the contrary in anywise notwithstanding.

2° VICT. *Cap. 17.*

An Act to enable the Trustees of the Estates devised by *William Hulme* Esquire to appropriate certain Parts of the accumulated Fund arising from the said Estates towards the Endowment of Benefices, the building of Churches, and for other Purposes.² [14th June 1839.]

[This Act recites the Acts 10 Geo. 3. c. 51 (*supra*), 35 Geo. 3. c. 62 (*supra*), 54 Geo. 3. c. 205 (*supra*), and 7 & 8 Geo. 4. c. 9 (*supra*); and further recites

¹ The power of charging expenses of Commutation upon Lands or Rent-charge is by 3 & 4 Vict. c. 15. s. 23 made exercisable by the owner of tithes in respect of the expenses of commutation of such tithes.

² See further as to the Hulme Foundation 7 Edw. 7. c. cx (*infra*).

that the trustees had out of the surplus accumulations of the fund in excess of £20,000 purchased several advowsons in accordance with the last of those Acts, but had been unable to provide by purchase or otherwise rooms in Oxford for the accommodation of the exhibitors in accordance with 54 Geo. 3. c. 205; that on the 23rd of June, 1838, the gross annual income of the fund derived from real estate was £4376 19s. 1d., and the accumulated fund consisting of investments and cash amounted to £28,005 17s. 4d. and produced an annual income of £922 17s. 4d., the total income being more than sufficient for the objects of the trust; that the trustees did not think it advisable to increase the number of exhibitors or the amount of their exhibitions, but were unanimously of opinion that it would be expedient to spend money in endowing benefices then in their patronage or thereafter to be acquired, in building parsonage houses for such benefices, and in building and endowing new churches and chapels and providing funds for repairing the same to the intent to acquire the right of patronage thereto.

The Act then repeals the provision of 7 & 8 Geo. 4. c. 9 which requires a surplus accumulation of £20,000 to be always kept in hand, and allows the fund to be reduced to £10,000, or with the consent of three-fourths of the trustees to £5000; and authorizes the application of accumulations for the objects desired by the trustees, limiting the amount to be expended in augmenting any one benefice or building enlarging or rebuilding a church or chapel to £7000, in providing a repair fund to £350 (not to be reckoned exclusive of or be in addition to the £7000 for building enlarging or rebuilding), and in purchasing or building a parsonage house to £700.]

3^o & 4^o VICT. CAP. LXXVII.

A. D. 1840. An Act for improving the Condition and extending the Benefits of Grammar Schools.

[7th August 1840.]

[Section 1 empowers the Courts of Equity to make decrees for extending the system of education in any endowed school 'to other useful Branches of Literature and Science in addition to or (subject to the Provisions herein-after contained), in lieu of the Greek and Latin Languages, or such other Instruction as may be required by the Terms of the Foundation or the then existing Statutes', and for extending or restricting the right and settling the terms of admission thereto, and to establish schemes for the application of its revenues.]

Saving of
Rights of
Ordinary.

XXIV. Provided always, and be it enacted, That neither this Act nor any thing therein contained shall be any way prejudicial or hurtful to the Jurisdiction or Power of the Ordinary, but that he may lawfully execute and perform the same as heretofore he might according to the Statutes, Common Law, and Canons of this Realm, and also as far as he may be further empowered by this Act; and that this Act shall not be construed as extending to any of the following Institutions; (that is to say,) to the Universities of *Oxford* or *Cambridge*, or to any College or Hall within the same, or to the University of *London*, or any Colleges connected therewith, or to the University of *Durham*, or to the Colleges of *Saint David's* or *Saint Bee's*, or the Grammar Schools of *Westminster*, *Eton*, *Winchester*, *Harrow*, *Charter House*, *Lugby*, Merchant Tailors, *Saint Paul's*, *Christ's Hospital*, *Birmingham*, *Manchester*, or *Macclesfield*, or *Louth*, or such Schools as form part of any Cathedral or Collegiate Church.

Certain
Founda-
tions ex-
empted
from this
Act.

3^o & 4^o VICT. CAP. CXIII.

An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues. A. D. 1840.

[11th August 1840.]

[The preamble of this Act recites, among other things, that the Commissioners above mentioned in their fourth Report, dated the 24th of June, 1836, 'made certain recommendations touching Cathedral and Collegiate Churches and other Things in the said Report specified,' and that 'it is expedient that the said Recommendations should be adopted, with certain Alterations'.]

V. And be it enacted, That in the Chapter of *Christ-church* in *Oxford* the first vacant Canonry, not being One of the Two Canonries which are respectively annexed to Regius Professorships in the University of *Oxford*,¹ shall immediately become and be permanently annexed and united to the Lady *Margaret's* Professorship of Divinity in the said University, and shall and may be held by the present and every future Lady *Margaret's* Professor of Divinity therein; and that upon such Annexation as afore-

Canonry at Christ-church annexed to a Professorship instead of Canonry at Worcester.

¹ Canonries were previously annexed to the Regius Professorships of Divinity and Hebrew.

As to that annexed to the Professorship of Divinity see 10 Ann. c. 45 [c. 12., Ruff.] (*supra*).

Charles the First by letters patent of the 3rd of April, 1630, granted the first canonry of Christ Church which should fall vacant, not being that annexed to the Divinity Professorship, to John Morris, Regius Professor of Hebrew, and granted to the University that this canonry should not be filled up on becoming vacant, but should go to each successive Professor during his tenure of the professorship. Through some mistake the canonry was expressed to be granted to John Morris for life; and there were some other clerical errors in the patent as it appears on the roll. A re-grant of the canonry was made by letters patent of the 9th of June, 1630, to John Morris to hold during tenure of the professorship, the terms of the previous patent being in all other respects repeated, except that the clerical errors were amended (Rot. Pat. 6 Car. 1. Pt. 5. Nos. 14, 16). The annexation took effect on the vacancy caused by the death (20th of July, 1632) of John Weston.

A. D. 1840. said the Canonry in the Cathedral Church of *Worcester*, which is now annexed to the last-mentioned Professorship, shall be *ipso facto* detached therefrom, and shall become vacant¹; and the Canonry secondly vacant in the said Chapter of *Christchurch* shall be subject to the Provisions herein-after contained respecting the Endowment of Arch-deaconries by the Annexation of Canonries thereto.²

Two Canonries at Christchurch annexed to new Professorships in the University of Oxford.

VI. And whereas Her Majesty has graciously intimated to Parliament Her Royal Will and Intention to found Two new Professorships in the said University of *Oxford*, and it is expedient that the same should be competently endowed; be it therefore enacted, That the Two Canonries in the said Chapter of *Christchurch* (not being either of them a Canonry already founded in the said University) which shall be thirdly and fourthly vacant shall, upon the Vacancies thereof respectively, and the Foundation of such Professorships respectively, become and be permanently annexed and united thereto, in such Order as Her Majesty shall, in and by Her Royal Letters Patent founding such Professorships, direct and appoint; and if either of such last-mentioned Canonries be vacant before the Foundation of such Professorships, the same shall not be filled up until after such Foundation; and after such Annexation the said Canonries shall and may be held by the Holders of such

¹ The provision as to Lady Margaret's Professorship of Divinity took effect upon the death (19th of August, 1840) of Dr. Woodcock.

The canonry or prebend of Worcester for which that of Christ Church was substituted was annexed to the professorship by letters patent of Charles the First dated the 5th of July, 1627, the professor being incorporated by the same instrument. The annexation was of the first prebend to fall vacant, and took effect the following year. Dr. Fell, then professor, was installed on the 2nd of May, 1628, according to Le Neve, who however erroneously gives the 5th of July, 1628, as the date of the patent, and says that the annexation was made during Dr. Fell's occupancy of the stall. (*Fasti Eccl. Angl.* Vol. 3. pp. 84, 85.)

² By s. 34, 'any Archdeaconry may be endowed by the Annexation either of an entire Canonry or of a Canonry charged with the Payment of such Portion of its Income as shall be determined on towards providing for another Archdeacon in the same Diocese, or with such last-mentioned Portion of the Income of a Canonry.'

Professorships respectively for the Time being: provided, A. D. 1840s that if the¹ Member of any College or Hall in the said University except *Christchurch* shall hereafter accept any Professorship to which a Canonry of *Christchurch* is or shall be annexed, he shall thereby cease to be a Member of such other College or Hall.²

VII. And be it enacted, That, except as herein particularly specified, nothing in this Act contained shall in any Manner affect or apply to the Cathedral Church of *Christchurch*, in *Oxford*. Act not to apply otherwise to Christchurch.

[Sections 4, 8-11, 13, and 14, direct the suspension of many Canonries.]

XII. And be it enacted, That so soon as conveniently may be, and by the Authority herein-after provided,³ the Two Canonries in the Chapter of the Cathedral Church of *Ely* which shall be secondly and thirdly vacant shall be permanently annexed and united to the Regius Professorships of Hebrew and Greek respectively, in the University of *Cambridge*.⁴ Two Canonries at Ely to be annexed to Professorships at Cambridge.

XV. Provided always, and be it enacted, That the provi- Proviso respecting

¹ *Sic.* In the recitals of this section contained in the patents referred to in the next note, and in the operative words of those instruments, the indefinite is substituted for the definite article.

² Queen Victoria by letters patent of the 3rd of May, 1842, founded the Regius Professorships of Pastoral Theology and Ecclesiastical History, appointed Charles Atmore Ogilvie to the former, and annexed thereto, in terms of this section, the Canonry of Christ Church which should be thirdly vacant.

By other letters patent of the same date the foundation of the two professorships was repeated *verbatim*, Robert Hussey was appointed to the Professorship of Ecclesiastical History, and the Canonry of Christ Church which should be fourthly vacant was annexed thereto.

The annexations took effect, in the case of the chair of Pastoral Theology on the vacancy caused by the death (1st of August, 1849) of Dr. Dowdeswell, and in the case of the chair of Ecclesiastical History on the vacancy caused by the death (21st of February, 1858) of Dr. Bull.

³ The authority referred to in ss. 12, 69, 70, and 71 is that of a scheme made by the Ecclesiastical Commissioners and approved by Order in Council. See ss. 83-89; but, so far as relates to the Universities and Colleges, it is declared by 23 & 24 Vict. c. 59. s. 10 (*infra*) to be the Ecclesiastical Commissioners, and to be sufficiently exercised and evidenced by writing under their common seal.

⁴ The second Canonry of Ely to fall vacant was that held by Dr. Jenyns who died on the 25th of February, 1848. By a scheme of the Ecclesiastical

A. D. 1840. sions herein-Before contained respecting the Suspension of
the Sus- Canonries shall not be construed to extend to the Sus-
pension of any Canonry in the said Chapter of *Ely*
which may be annexed to any Professorship in the Univer-
sity of *Cambridge*, . . . or of the Canonry in the said
Cathedral Church of *Gloucester* which is annexed to the
Mastership of *Pembroke College* in *Oxford*, or of either of
the Canonries in the said Cathedral Church of *Rochester*
which are respectively annexed to the Provostship of *Oriel*
College in *Oxford*, and to the Archdeaconry of *Rochester*, or
of the Canonry in the said Cathedral Church of *Norwich*
which is annexed to the Mastership of *Catherine Hall* in
Cambridge,¹ . . . or of any Canonry in any Cathedral or
Collegiate Church which shall hereafter, under the Autho-
rity of this Act, be permanently annexed to any Arch-
deaconry or Archdeacons, or to any Office in the
University of *Durham*; but that if any Canonry so held
annexed or connected or to be annexed shall be vacant in
such Order as that according to the said last mentioned
Provisions it would be one of the Canonries to be sus-
pended, the Vacancy thereof shall not be counted as
a Vacancy subject to such Provisions; and that upon
the passing of this Act all then subsisting Vacancies of
Canonries shall be deemed Vacancies within the Meaning
of the said last-mentioned Provisions and of this Proviso,
and shall be counted, subject also to this Proviso, in the
numerical Order in which they shall have occurred.

Commissioners, confirmed by Order in Council on the 11th of August, 1848
(see London Gazette, 17th of August, 1848, p. 3059), this canonry was annexed
to the Regius Professorship of Hebrew upon and after the twenty-first day next
after the day on which the Order was made. The canonry next to fall vacant
was by the same scheme annexed upon the vacancy thereof to the Regius
Professorship of Greek. This annexation took effect with regard to the stall
held by Dr. French, upon his death which occurred on the 12th of November,
1849. The Canonry of Ely annexed by this section to the Regius Professorship
of Greek has been severed therefrom and annexed to the Ely Professorship of
Divinity by Statute B. Chapter XIV made for the University under 40 & 41
Vict. c. 48. s. 26 (*infra*). (See notes to that section and s. 27.)

¹ As to the canonries annexed to the Headships of Pembroke College,
Oxford, Oriel College, and Catherine Hall, see 13 Ann. [13 Ann. St. 2., Ruff.]
c. 6 (*supra*) and 40 & 41 Vict. c. 48. s. 25 and note thereto (*infra*).

XXVII. And be it enacted, That no Person shall here-
after be capable of receiving the Appointment of Dean,
Archdeacon, or Canon until he shall have been Six Years
complete in Priest's Orders, except in the Case of a Canonry
annexed to any Professorship, Headship, or other Office in
any University.

A. D. 1840.
Qualifica-
tion of
Deans,
Arch-
deacons,
and
Canons.

XLIV. And be it enacted, That upon the Vacancy of
any Benefice in the Patronage of the Chapter of any
Cathedral or Collegiate Church, the Chapter shall present
or nominate thereto either a Member of such Chapter, or
one of the Archdeacons of the Diocese, or a non-residentiary
Prebendary or Honorary Canon, as the Case may be, or any
Spiritual Person who shall have served for Five Years at
the least in the Office of Minor Canon or Lecturer of the
same Church, or of Master of the Grammar or other School
(if any) attached to or connected with such Church, or as
Incumbent or Curate in the same Diocese, or as public
Tutor in either of the Universities of *Oxford* and *Cam-*
bridge, or who, so far as relates to the Cathedral Church of
Durham, shall have served for the like Term in the Office
of Professor, Reader, Lecturer or Tutor in the said Univer-
sity of *Durham*, or shall have been educated thereat and
shall be a Licentiate or Graduate in Theology therein, or
who shall have served as Incumbent or Curate within the
same Diocese for the Period aforesaid ; and that every such
Office of Minor Canon, Lecturer, Schoolmaster, Professor,
Reader, Lecturer, or Tutor shall immediately upon the
Expiration of One Year from the Time of his Institution
to such Benefice, if not previously resigned, become and be
vacant ; and that if neither a Member of the Chapter nor
an Archdeacon of the Diocese, nor a Minor Canon nor
Lecturer, nor such Schoolmaster, Incumbent, or Curate,
Professor, Reader, Lecturer, Licentiate, or Graduate, as
the Case may be, shall be presented or nominated to such
Benefice within Six Calendar Months from the Time of the
Vacancy thereof, the Bishop of the Diocese in which the
same is situate may within the next Six Calendar Months
collate or license thereto a Spiritual Person who shall have

Exercise
of Patron-
age of
Chapters.

A. D. 1840. actually served within such Diocese, as Incumbent or Curate, for Five Years at the least; and if no such Collation or Licence shall be granted within such Time, the Right of Presentation or Nomination to such Benefice for that Turn shall lapse to the Archbishop of the Province.

[Section 51 enacts, that all estates of non-residentiary Prebends and of certain other Dignities and Offices in Cathedral or Collegiate Churches shall be vested in the Ecclesiastical Commissioners for England:]

Provided always, that nothing herein contained shall in any Manner apply to or affect any Dignity, Office, or Prebend which is permanently annexed to any Bishoprick, Archdeaconry, Professorship, or Lectureship, or to any School or the Mastership thereof,¹ or the Prebends of *Burgham, Bursalis, Exceit, and Wyndham* in the Cathedral Church of *Chichester*.

Benefices
annexed to
Headships
of Colleges
may be
sold.

LXIX. And be it enacted, That, so soon as conveniently may be, and by the Authority herein-after provided,² such Arrangements may be made with respect to Benefices which are annexed by Act of Parliament or otherwise to the Headships of Colleges in the Universities of *Oxford* and *Cambridge*, as may enable the respective Colleges, if they shall think fit, to sell, or themselves to purchase, the Advowsons of such Benefices, and to invest the Proceeds in proper Securities, with Provisions for the Payment of the Interest and annual Profits thereof to the respective Heads of the Colleges for the Time being; and that, upon the Completion of the said Arrangements respectively the existing Incumbents of such Benefices respectively shall be at liberty, upon resigning the same, to receive the Interest and annual Profits of the Proceeds arising from such Sales respectively.³

¹ See as to annexed prebends 13 & 14 Vict. c. 94. s. 20 (*infra*).

² See note to s. 12.

³ The powers conferred by s. 69 were extended, and were made applicable to Winchester and Eton Colleges by 23 & 24 Vict. c. 59. ss. 7-11 (*infra*), and were further extended by 43 & 44 Vict. c. 46. s. 5 (*infra*); and s. 12 of the former Act provides that the word 'College' in this Act shall be interpreted to include a Hall. See also as to benefices with cure of souls annexed to headships of

LXX. And be it enacted, That, so soon as conveniently may be, and by the like Authority,¹ Arrangements may be made to enable the University of *Cambridge*, if they shall so think fit, to sell the Advowsons of the Benefices annexed to the Regius Professorship of Divinity in the said University or any of them, and to invest the Proceeds of any such Sale in proper Securities, with a Provision for the Payment of the Interest and annual Profits thereof to the Regius Professor of Divinity for the Time being; and that upon the Completion of the Sale of any such Advowson the existing Incumbent of the Benefice shall be at liberty, upon resigning the same, to receive such Interest and annual Profits.²

LXXI. And be it enacted, That with respect to any Benefice with Cure of Souls which is held together with or in the Patronage of the Holder of any Prebend or other Sinecure Preferment belonging to any College in either of the Universities, or to any private Patron, Arrangements may be made by the like Authority,³ and with the Consents of the respective Patrons, for permanently uniting such Preferment with such Benefice; provided that this Act shall not apply to or affect any Prebend or other Sinecure Preferment in the Patronage of any College or of any Lay Patron in any other Manner than as is herein expressly enacted.

[Section 74 provides that arrangements may be made 'by the like Authority' for the apportionment of the income of two benefices belonging to the same patron between the Incumbents of those benefices or the Churches or Chapels connected therewith.⁴]

colleges at Oxford and Cambridge respectively 19 & 20 Vict. c. 31. s. 4 (*infra*) and c. 88. s. 28 (*infra*).

¹ See note to s. 12.

² As to the annexation to the Regius Professorship of Divinity in Cambridge of the Rectory of Somersham with Colne, Midley, and other chapelries, see 10 Ann. c. 45 [c. 12., Ruff.] (*supra*); and for the disannexing of those benefices, see 45 & 46 Vict. c. 81 (*infra*). The power conferred by this section was not exercised.

³ See note to s. 12.

⁴ This power was extended by 17 & 18 Vict. c. 84. s. 8 (*infra*).

5^o & 6^o VICT. CAP. XIV.

A. D. 1842. An Act to amend the Laws for the Importation
of Corn.¹ [29th April 1842.]

[Section 1 repeals 9 Geo. 4. c. 60 (*supra*).]

Chancel-
lors of the
Univer-
sities of
Oxford
and Cam-
bridge to
appoint
and remove
Inspectors
of Corn
Returns for
the said
City and
Town.

XIV. And whereas it is expedient that the Inspectors of Corn Returns for the City of *Oxford* and the Town of *Cambridge* respectively should, as heretofore, be appointed and removed by the Chancellors, Masters, and Scholars of the respective Universities of *Oxford* and *Cambridge*, and should perform, as heretofore, the Duties of their respective Offices, and that the Chancellors, Masters, and Scholars of the said respective Universities should have Power to suspend such Inspectors respectively as herein-after is mentioned; be it therefore enacted, That the Chancellors, Masters, and Scholars of the Universities of *Oxford* and *Cambridge* respectively shall and they are hereby respectively authorized and required to nominate and appoint some fit and proper Person to be the Inspector of Corn Returns for the City of *Oxford* and the Town of *Cambridge* respectively, and it shall be lawful for the said Chancellors, Masters, and Scholars respectively, from Time to Time as Occasion may require, upon any Misbehaviour or Neglect of Duty of any such Inspector, or for any other good and sufficient Cause to them respectively appearing, to remove or suspend any such Inspector from his Office; and, upon the Death, Resignation, Removal, or Suspension of any such Inspector of Corn Returns for the City of *Oxford* or Town of *Cambridge* it shall be lawful for the said respective Chancellors, Masters, and Scholars, and they are hereby authorized and required, respectively to nominate and appoint some fit and proper Person to succeed to the said Office vacant by such Death, Resignation, or Removal, or

¹ This Act was repealed by 45 & 46 Vict. c. 37. s. 19, but the repeal was not to affect persons holding office under s. 14; and ss. 36 & 37 of this Act were continued in force as regards such persons. By s. 13 of the repealing Act inspectors are now appointed by the Inland Revenue Commissioners.

to hold the same during the Continuance of such Suspension (as the Case may be). A. D. 1842.

XV. And be it enacted, That no Person shall be eligible or shall be appointed to the Office of Inspector or Deputy Inspector of Corn Returns for the City of *London*, or to the Office of Inspector of Corn Returns for the City of *Oxford* or the Town of *Cambridge*, who, within Six Months next preceding the Time of any such Appointment, shall have been engaged in Trade or Business as a Miller, Maltster, or Corn Factor, or who during that Period shall, as a Merchant, Clerk, Agent, or otherwise, have bought Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof; and if any Inspector or Deputy Inspector of Corn Returns for the City of *London*, or any Inspector of Corn Returns for the City of *Oxford* or the Town of *Cambridge*, shall, during his Continuance in such his Office, engage in Trade or Business as a Miller, Maltster, or Corn Factor, or shall, as a Merchant, Clerk, Agent, or otherwise, buy Corn for Sale, or for the Sale of Meal, Flour, Malt, or Bread made or to be made thereof, he shall in manner aforesaid be removed from such his Office, and from and after the Time of such Removal shall become incapable of acting as Inspector of Corn Returns under this Act.

No Person dealing in Corn, Flour, or Malt to be appointed Inspector or Deputy Inspector of Corn Returns for the Cities of London or Oxford or Town of Cambridge.

XVI. And be it enacted, That every Nomination and Appointment so to be made as aforesaid of any Inspector of Corn Returns for the City of *London*, or of any Inspector of Corn Returns for the City of *Oxford* or the Town of *Cambridge*, shall be enrolled at the next Sessions of the Peace to be holden in and for such City or Town; and the said Enrolment, or a Copy thereof, certified under the Hand of the Clerk of the Peace for the said City of *London*, or under the Hand of the Town Clerk of the said City of *Oxford*, or of the Town Clerk of the said Town of *Cambridge*, as the Case may be, to be a true Copy, shall, for all Intents and Purposes, be and be deemed and taken to be good and conclusive Evidence of any such Appointment as aforesaid having been duly made.

Appointments of Inspectors for London, Oxford, and Cambridge to be enrolled.

A. D. 1842.

The present Comptroller, Deputy Comptroller, and Inspectors of Corn Returns for London, Oxford, and Cambridge to continue in Office.

XIX. And be it enacted, That the Comptroller and Deputy Comptroller of Corn Returns, and the Inspectors of Corn Returns for the City of *London*, the City of *Oxford*, and the Town of *Cambridge* respectively, who at or immediately before the passing of this Act shall respectively hold such Offices or Appointments under and by virtue of the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, shall and they are hereby authorized and required respectively, without further Appointment, to hold and forthwith to act in such their Offices or Appointments under and by virtue of this present Act, and to discharge the several Duties of and belonging to such their former Offices or Appointments, in such and the same Manner, and as fully and effectually, to all Intents and Purposes, as if they had been respectively appointed to such their Offices or Appointments as aforesaid under and by virtue of this present Act; . . .

[Section 36 empowers the Treasury to fix the salaries of inspectors of corn returns for London, Oxford, and Cambridge, not to exceed in the cases of Oxford and Cambridge £50 a year for any one inspector.

Section 37 provides that the salaries of Oxford and Cambridge inspectors shall be paid quarterly by the collectors of excise.]

5° & 6° VICT. CAP. XXXV.

An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of *April* One thousand eight hundred and forty five.

[22d June 1842.]

[This Act reimposed the Property and Income Tax, which had not been levied since 1816; see note to 46 Geo. 3. c. 65 (*supra*). It is substantially a re-enactment of the last mentioned Act.

Section 4 provides that Commissioners for General A. D. 1842.
Purposes of the Act shall be chosen by the Land Tax
Commissioners for each district, preferably from among
themselves.^{1]}

SCHEDULE (A.)²Sched. (A.)
Rules.

No. V.—Particular Deductions and Allowances in respect
of the Duties under Schedule (A.)

Deductions.

Third.—For Repairs of Collegiate Churches and Chapels, Repairs of
and Chancels of Churches, or of any College or Hall Chancels.
in any of the Universities of *Great Britain*, by any
Ecclesiastical or Collegiate Body, Rector, Vicar, or other
Person bound to repair the same, on an Average of
Twenty-one Years preceding as aforesaid, or as nearly
thereto as can be produced³:

In all which Cases there shall be allowed (unless such Rate of
Payments, or any Part thereof, shall be made by a Tenant,) Deduction.
such Sum of Money as a like Rate of Seven-pence for
every Twenty Shillings of the Sums paid would by a just
Proportion amount unto; and the Sum so allowed shall
be deducted from the Assessment to be made on the
Property charged with such Payments, except in the
Cases herein-after otherwise provided for; (that is to say,)

* Provided always, that the Allowances to be granted in Allow-
pursuance of the First, Second, or Third case may be ances to
granted to the Ecclesiastical or Collegiate Body, Rector, Ecclesiasti-
cal Bodies

¹ See note to 7 & 8 Geo. 4. c. 75 (*supra*) as to Land Tax Commissioners for the Universities; and see further as to General Income Tax Commissioners for the Universities 53 & 54 Vict. c. 8. s. 28 and note thereto (*infra*).

² Schedule (A.) charges duty on the annual value of lands, tenements, hereditaments, and heritages in Great Britain (see s. 1).

³ By 16 & 17 Vict. c. 34. s. 34 (*infra*) the deduction for repairs to be allowed under this clause is the amount so expended in the year preceding that in which the assessment is made.

A. D. 1842.
&c., how
to be made.

Vicar, or other Person aforesaid liable to the Charges therein mentioned, in One Sum, either by deducting the same from the Assessment upon him (if any), or by Certificate; provided that no Abatement or Deduction shall be made from any Assessment for the Allowances granted in pursuance of any of the Cases mentioned in this Rule in respect of any such Charges or Payments as aforesaid, payable out of any Rent-charge confirmed under the Act passed for the Computation of Tithes, but such Allowances shall be granted by Certificate in the Manner herein-after directed.

No. VI.—Allowances to be made in respect of the said Duties in Schedule (A.)¹

Allow-
ances for
Colleges
and Halls
in Uni-
versities;

For the Duties charged on any College or Hall in any of the Universities of *Great Britain*, in respect of the public Buildings and Offices belonging to such College or Hall, and not occupied by any individual Member thereof, or by any Person paying Rent for the same, and for the Repairs of the public Buildings and Offices of such College or Hall, and the Gardens, Walks, and Grounds for Recreation repaired and maintained by the Funds of such College or Hall:

Hospitals,
public
Schools,
Alms-
houses, and
Literary
Institu-
tions,

Or on any Hospital, public School, or Almshouse, in respect of the public Buildings, Offices, and Premises belonging to such Hospital, public School, or Almshouse, and not occupied by any individual Officer or the Master thereof, whose whole Income, however arising, estimated according to the Rules and Directions of this Act, shall amount to or exceed One hundred and fifty Pounds *per Annum*, or by any Person paying Rent for the same, and for the Repairs of such Hospital, public School, or Almshouse, and Offices belonging thereto, and of the Gardens, Walks, and Grounds for the Sustenance or Recreation of the Hospitallers, Scholars, and Almsmen,

¹ This part of Schedule (A.) follows s. 61 of the Act.

repaired and maintained by the Funds of such Hospital, A. D. 1842. School, or Almshouse, or on any Building the Property of any Literary or Scientific Institution, used solely for the Purposes of such Institution, and in which no Payment is made or demanded for any Instruction there afforded, by Lectures or otherwise; provided also, that the said Building be not occupied by any Officer of such Institution, nor by any Person paying Rent for the same:

The said Allowances to be granted by the Commissioners for General Purposes in their respective Districts:

Or on the Rents and Profits of Lands, Tenements, Hereditaments, or Heritages belonging to any Hospital, public School, or Almshouse, or vested in Trustees for charitable Purposes, so far as the same are applied to charitable Purposes¹:

The said last-mentioned Allowances to be granted on Proof before the Commissioners for Special Purposes of the due Application of the said Rents and Profits to charitable Purposes only, and in so far as the same shall be applied to charitable Purposes only:

The said last-mentioned Allowances to be claimed and proved by any Steward, Agent, or Factor acting for such School, Hospital, or Almshouse, or other Trust for charitable Purposes, or by any Trustee of the same, by Affidavit to be taken before any Commissioner for executing this Act in the District where such Person shall reside, stating the Amount of the Duties chargeable, and the Application thereof, and to be carried into

¹ In addition to the special allowances to Colleges under Schedule (A.) given by the Third case of No. V and the first clause of No. VI, they and the Universities are entitled to general exemption under Schedules (A.), (C.), and (D.), not only in respect to income from property subject to specific educational trusts, but also in respect to their corporate revenues, they being corporations established for the advancement of education, and their income being vested in trustees for 'charitable purposes' within the meaning of this clause and of the exemption clauses relating to Schedules (C.) and (D.) (*infra*). See *Rex v. The Special Commissioners of Income Tax* (78 L.J.K.B. 576).

A. D. 1842. effect by the Commissioners for Special Purposes, and according to the Powers vested in such Commissioners, without vacating, altering, or impeaching the Assessments on or in respect of such Properties; which Assessments shall be in force and levied notwithstanding such Allowances.

Special Commissioners to certify Allowances granted under No. VI., Schedule (A.), and order Payment thereof.

LXII. And be it enacted, That where any Allowance mentioned in Number VI of the said Schedule (A.) shall be granted by the Commissioners for Special Purposes, under the Authority of this Act, they shall give a Certificate thereof, together with an Order for Payment of the same, directed to the Receiver General of Stamps and Taxes, or to an Officer for Receipt or Collector of the Duties granted by this Act, or to a Distributor or Sub-Distributor of Stamps in the Manner herein provided with respect to Allowances to be granted under Number V. of the said Schedule, and such Allowance shall in like Manner be paid to the Party entitled thereto.

SCHEDULE (C.)¹

Sched. (C.) Rules.

Rules for assessing and charging the Duties under Schedule (C.)

[The Duties are directed to be paid 'except in the following Cases of Exemption from the said Duties; viz.']

Stock of charitable Institutions exempted.

Third.—The Stock or Dividends of any Corporation, Fraternity, or Society of Persons, or of any Trust established for charitable Purposes only; or which, according to the Rules or Regulations established by Act of Parliament, Charter, Decree, Deed of Trust, or Will, shall be applicable by the said Corporation, Fraternity, or Society, or by any Trustee, to charitable Purposes only, and in so far as the same shall be applied to charitable Purposes only; or the Stock or

¹ Schedule (C.) charges duty on annuities, dividends, and shares of annuities. This part of the Schedule follows s. 88.

Dividends in the Names of any Trustees applicable solely to the Repairs of any Cathedral, College, Church, or Chapel, or any Building used solely for the Purpose of Divine Worship, and in so far as the same shall be applied to such Purposes, provided the Application thereof to such Purposes shall be duly proved before the said Commissioners for Special Purposes by any Agent or Factor on the Behalf of any such Corporation, Fraternity, or Society, or by any of the Members or Trustees: ¹

CV. Provided always, and be it enacted, That any Corporation, Fraternity, or Society of Persons, and any Trustee for charitable Purposes only, shall be entitled to the same Exemption in respect of any yearly Interest or other annual Payment chargeable under Schedule (D.) ² of this Act, in so far as the same shall be applied to charitable Purposes only, as is herein-before granted to such Corporation, Fraternity, Society, and Trustee respectively in respect of any Stock or Dividends chargeable under Schedule (C.) of this Act, and applied to the like Purposes; and such Exemption shall be allowed by the Commissioners for Special Purposes, on due Proof before them, and the Amount of the Duties which shall have been paid by such Corporation, Fraternity, Society or Trustee in respect of such Interest or yearly Payment, either by Deduction from the same or otherwise, shall be repaid, under the Order of the said Commissioners for Special Purposes, in the Manner herein-before provided for the Repayment of Sums allowed by them, in pursuance of any Exemption contained in the said Schedule (C.) ³

¹ As to the exemption of Universities and Colleges under this clause see note on p. 99 (*supra*).

² Schedule (D.) charges duty on the profits or gains from property or profession, trade, employment, or vocation not contained in Schedule (A.), (B.), or (C.), and to every description of employment of profit not contained in Schedule (E.); where either the person resides, or the property is, or the profession, &c. is exercised in Great Britain.

³ As to the exemption of Universities and Colleges under this clause see note on p. 99 (*supra*).

5^o & 6^o VICT. CAP. XLIV.

A. D. 1842. An Act for the Transfer of Licences and Regulation of Public Houses. [1st July 1842.]

[The Act regulates the mode of transferring Justices' licences.]

Act not to
Extend to
Univer-
sities of
Oxford
and Cam-
bridge.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or the Powers of the Chancellors or Vice Chancellors of the same, as by Law possessed under the respective Charters of the said Universities or otherwise.¹

5^o & 6^o VICT. CAP. XLV.

An Act to amend the Law of Copyright.

[1st July 1842.]

[This is the principal Act now in force for the regulation of copyright.]

Section 1 repeals 8 Anne c. 21 [c. 19., Ruff.] (*supra*), 41 Geo. 3. c. 107, and 54 Geo. 3. c. 156 (*supra*).]

A Copy of every Book to be delivered within a Month after Demand to the Officer of the Stationers Company, for the following Libraries: the Bodleian at Oxford, the Public Library

VIII. And be it enacted, That a Copy of the whole of every Book, and of any second or subsequent Edition of every Book containing Additions and Alterations, together with all Maps and Prints belonging thereto, which after the passing of this Act shall be published, shall, on Demand thereof in Writing, left at the Place of Abode of the Publisher thereof at any Time within Twelve Months next after the Publication thereof, under the Hand of the Officer of the Company of Stationers who shall from Time to Time be appointed by the said Company for the Purposes of this Act, or under the Hand of any other Person thereto authorized by the Persons or Bodies Politic and Corporate, Proprietors and Managers of the Libraries following, (*vide-*

¹ As to the Vice-Chancellor's claim to license alehouses in Cambridge see 9 Ann. c. 16 [c. 23., Ruff.] s. 54 (*supra*) and 19 & 20 Vict. c. xvii. s. 8 (*infra*), and notes to those sections.

licet), the Bodleian Library at Oxford, the Public Library at Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Library of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, be delivered, upon the Paper of which the largest Number of Copies of such Book or Edition shall be printed for Sale, in the like Condition as the Copies prepared for Sale by the Publisher thereof respectively, within One Month after Demand made thereof in Writing as aforesaid, to the said Officer of the said Company of Stationers for the Time being, which Copies the said Officer shall and he is hereby required to receive at the Hall of the said Company, for the Use of the Library for which such Demand shall be made within such Twelve Months as aforesaid; and the said Officer is hereby required to give a Receipt in Writing for the same, and, within One Month after any such Book shall be so delivered to him as aforesaid to deliver the same for the Use of such Library.

IX. Provided also, and be it enacted, That if any Publisher shall be desirous of delivering the Copy of such Book as shall be demanded on behalf of any of the said Libraries at such Library, it shall be lawful for him to deliver the same at such Library, free of Expence, to such Librarian or other Person authorized to receive the same (who is hereby required in such Case to receive and give a Receipt in Writing for the same), and such Delivery shall to all Intents and Purposes of this Act be held as equivalent to a Delivery to the said Officer of the Stationers Company.

X. And be it enacted, That if any Publisher of any such Book, or of any second or subsequent Edition of any such Book, shall neglect to deliver the same, pursuant to this Act, he shall for every such Default forfeit, besides the Value of such Copy of such Book or Edition which he ought to have delivered, a Sum not exceeding Five Pounds, to be recovered by the Librarian or other Officer (properly authorized) of the Library for the Use whereof such Copy should have been delivered, in a summary Way, on Conviction before Two Justices of the Peace for the County or Place where

Publishers may deliver the Copies to the Libraries, instead of at the Stationers Company.

Penalty for Default in delivering Copies for the Use of the Libraries.

A. D. 1842. the Publisher making default shall reside, or by Action of Debt or other Proceeding of the like Nature, at the Suit of such Librarian or other Officer, in any Court of Record in the United Kingdom, in which Action, if the Plaintiff shall obtain a Verdict, he shall recover his Costs reasonably incurred, to be taxed as between Attorney and Client.

[Section 24 provides that omission to register copyright under the Act shall be a bar to actions for breach, but shall not affect the right.]

Saving the rights of the Universities, and the Colleges of Eton, Westminster, and Winchester.

XXVII. Provided always, and be it enacted, That nothing in this Act contained shall affect or alter the Rights of the Two Universities of *Oxford* and *Cambridge*, the Colleges or Houses of Learning within the same, the Four Universities in *Scotland*, the College of the Holy and Undivided Trinity of Queen *Elizabeth* near *Dublin*, and the several Colleges of *Eton*, *Westminster*, and *Winchester*, in any Copyrights heretofore and now vested or hereafter to be vested in such Universities and Colleges respectively, any thing to the contrary herein contained notwithstanding.

6° & 7° VICT. CAP. XXXVII.

A. D. 1843. An Act to make better Provision for the Spiritual Care of populous Parishes.¹

[28th July 1843.]

[Sections 1-19 empower the Ecclesiastical Commissioners to borrow from the Governors of Queen Anne's Bounty and Archbishop of Canterbury, and to constitute new ecclesiastical districts and endow the ministers thereof.]

Patronage may be conferred upon Con-

XX. And be it enacted, any Law, Statute, or Canon to the contrary notwithstanding, That it shall be lawful by the Authority aforesaid,² at any Time, to assign the Right of

¹ By 19 & 20 Vict. c. 104 (*infra*) the provisions of s. 20 were extended, and ecclesiastical and Collegiate corporations were empowered to make gifts of lands and chattels under s. 22.

² The authority referred to is that of a scheme prepared by the Ecclesiastical Commissioners and confirmed by an Order in Council. See s. 8.

Patronage of any such District or new Parish as aforesaid, and the Nomination of the Minister or Perpetual Curate thereof respectively, either in perpetuity or for One or more Nomination or Nominations, to any Ecclesiastical Corporation Aggregate or Sole, or to either of the Universities of *Oxford, Cambridge, or Durham*, or to any College therein respectively, or to any Person or Persons, or the Nominee or Nominees of such Person or Persons or Body respectively, upon Condition of such Corporation, University, College, Person or Persons contributing to the permanent Endowment of such Minister or Perpetual Curate, or towards providing a Church or Chapel for the Use of the Inhabitants of such District or new Parish, in such Proportion and in such Manner as shall be approved by the like Authority.

XXII. And for the Encouragement of such Persons as shall be disposed to contribute towards the Purposes of this Act, and that their Charity may be mightly applied, be it enacted, That all and every Person or Persons, or Body Corporate, having in his or their own Right any Estate or Interest in Possession, Reversion, or Contingency of or in any Lands, Tithes, Tenements, or other Hereditaments, or any Property of or in any Goods or Chattels, shall have full Power, Licence, and Authority, at his and their Will and Pleasure, by Deed inrolled in such Manner and within such Time¹ as is directed by the Statute made in the Twenty-seventh Year of the Reign of King *Henry the Eighth*, intituled *An Act concerning Enrolments of Bargains and Contracts of Lands and Tenements*, in the Case of any Lands, Tithes, Tenements, or other Hereditaments, (but without any Deed in the Case of any Goods or Chattels,) or by his or their Testament in Writing, duly executed according to Law, to give and grant to and vest in the said Ecclesiastical Commissioners for *England* and their Successors all such his or their Estate, Interest, or Property in such Lands, Tithes, Tenements, or other Here-

A. D. 1843.
tributors to
Endow-
ment or to
a Church,
or their
Nominees.

Powers of
Bounty
Board as
to Endow-
ment under
2 & 3 Ann.
c. 11. and
45 G. 3. c.
84. con-
ferred upon
Commis-
sioners for
the Pur-
poses of
this Act.

27 Hen. 8.
c. 16.

¹ Within six months after the date of the deed.

A. D. 1843. ditaments, Goods, and Chattels, or any Part or Parts thereof, for and towards the Endowment or Augmentation of the Income of such Ministers or Perpetual Curates as aforesaid, or for or towards providing any Church or Chapel for the Purposes and subject to the Provisions of this Act, and to be for such Purposes respectively applied, according to the Will of such Benefactors respectively, as in and by such Deed inrolled, or such Testament, executed as aforesaid, may be expressed, or, in the Case of no Deed or Testament, as may in some other Manner be directed, and in default of such Expression or Direction then in such Manner as shall be directed by the Authority herein-before mentioned¹; and such Commissioners and their Successors shall have full Capacity and Ability to purchase, receive, take, hold, and enjoy, for the Purposes aforesaid, as well from such Persons as shall be so charitably disposed to give the same, as from all other Persons who shall be willing to sell or aliene to the said Commissioners any Lands, Tithes, Tene-ments, or other Hereditaments, Goods, or Chattels, without any Licence or Writ of Ad quod damnum, the Statute of Mortmain, or any other Statute or Law, to the contrary notwithstanding.

6° & 7° VICT. CAP. LXVIII.

An Act for regulating Theatres.

[22d August 1843.]

[Section 1 repealed, among other Acts, so much of 10 Geo. 2. c. 19 (*supra*) as was then in force, and 28 Geo. 3. c. 30 (*supra*).]

Sections 2-9 provide for the licensing and regulation of theatres in certain places by the Lord Chamberlain of the Household and elsewhere by the Justices of the Peace in special Sessions.]

Proviso for
the Uni-
versities

X. Provided always, and be it enacted, That no such Licence shall be in force within the Precincts of either of

¹ See note to s. 20.

the Universities of *Oxford* or *Cambridge*, or within Fourteen Miles of the City of *Oxford* or Town of *Cambridge*, without the Consent of the Chancellor or Vice Chancellor of each of the said Universities respectively; and that the Rules for the Management of any Theatre which shall be licensed with such Consent within the Limits aforesaid shall be subject to the Approval of the said Chancellor or Vice Chancellor respectively; and in case of the Breach of any of the said Rules, or of any Condition on which the Consent of the Chancellor or Vice Chancellor to grant any such Licence shall have been given, it shall be lawful for such Chancellor or Vice Chancellor respectively to annul the Licence, and thereupon such Licence shall become void.¹

A. D. 1843.
of Oxford
and Cam-
bridge.

XI. And be it enacted, That every Person who for Hire shall act or present, or cause, permit, or suffer to be acted or presented, any Part in any Stage Play, in any Place not being a Patent Theatre or duly licensed as a Theatre, shall forfeit such Sum as shall be awarded by the Court in which or the Justices by whom he shall be convicted, not exceeding Ten Pounds for every Day on which he shall so offend.²

Penalty on
Persons
perform-
ing in
unlicensed
Places.

XVI. And be it enacted, That in every Case in which any Money or other Reward shall be taken or charged, directly or indirectly, or in which the Purchase of any Article is made a Condition for the Admission of any Person into any Theatre to see any Stage Play, and also in every Case in which any Stage Play shall be acted or presented in any House, Room, or Place, in which distilled or fermented Exciseable Liquor shall be sold, every Actor therein shall be deemed to be acting for Hire.

What shall
be Evidence
of acting
for Hire.

XVII. And be it enacted, That in any Proceedings to be instituted against any Person for having or keeping an unlicensed Theatre, or for acting for Hire in an unlicensed Theatre, if it shall be proved that such Theatre is used for the public Performance of Stage Plays, the Burden of Proof

Proof of
Licence in
certain
Cases to
lie on the
Party
accused.

¹ Section 10 is repealed as to Cambridge by 57 & 58 Vict. c. lx. s. 8 (*infra*); and see ss. 9 and 10 of that Act.

² See as to occasional performances in Cambridge 19 & 20 Vict. c. xvii. s. 16 and 57 & 58 Vict. c. lx. s. 11 (*infra*).

A. D. 1843. that such Theatre is duly licensed or authorized shall lie on the Party accused, and until the contrary shall be proved such Theatre shall be taken to be unlicensed.

Interpre-
tation of
Act.

XXIII. And be it enacted, That in this Act the Word "Stage-play" shall be taken to include every Tragedy, Comedy, Farce, Opera, Burletta, Interlude, Melodrama, Pantomime, or other Entertainment of the Stage, or any Part thereof: Provided always, that nothing herein contained shall be construed to apply to any Theatrical Representation in any Booth or Show which by the Justices of the Peace, or other Persons having Authority in that Behalf, shall be allowed in any lawful Fair, Feast, or customary Meeting of the like Kind.

6^o & 7^o VICT. CAP. LXXIII.

An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in *England* and *Wales*.

[22d August 1843.]

[Section 1 repeals the enactments set forth in the first part of the first schedule so far as they relate to England and Wales. These include 1 & 2 Geo. 4. c. 48 (*supra*) and 3 Geo. 4. c. 16 (*supra*), which are left in force so far as the Attornies and Solicitors of Ireland are affected thereby.

Section 3 prohibits the admission or enrolment of any person as an attorney or solicitor unless he has been bound by contract in writing to serve, and has served five years as a clerk to a practising attorney or solicitor.

Section 6 allows one year of the five to be spent by such person as pupil of a barrister or special pleader, or clerk of the London agent of the attorney or solicitor to whom he is bound.]

Any Person
who has
taken a

VII. Provided always, and be it enacted, That any Person who shall have taken or who shall take the Degree of

Bachelor of Arts within Six Years after his Matriculation, or the Degree of Bachelor of Laws within Eight Years after his Matriculation, either in the University of *Oxford* or in the University of *Cambridge*, or in the University of *Dublin*, or in the University of *Durham*, or in the University of *London*, and who shall within Four Years after the Day whereon he shall have taken or shall take such Degree be bound by Contract in Writing to serve as a Clerk for and during the Term of Three Years to a practising Attorney or Solicitor in *England* or *Wales*, and shall have continued in such Service for and during the said Term of Three Years, and shall during the whole of such Term have been actually employed by such Attorney or Solicitor, or by the *London* Agent of such Attorney or Solicitor, with his Consent, for any Part of the said Term, not exceeding One Year, in the proper Business, Practice, or Employment of any Attorney or Solicitor, and who shall after the Expiration of the said Term of Three Years have been examined and sworn in the Manner herein-after directed, shall be capable of being admitted and enrolled as an Attorney or Solicitor, although he shall have served a Clerkship under such Contract as aforesaid for and during the Term of Three Years only.¹

A. D. 1843.
Degree at
Oxford,
Cam-
bridge,
Dublin,
Dublin,
Durham, or
London, or
may act
as an
Attorney or
Solicitor,
upon
having
served a
Clerkship
of Three
Years.
One Year
with Agent.

6^o VICT. Cap. vi.

An Act for authorizing the Sale and Application of certain Property vested in the Commissioners for making the River *Thames* navigable from *Bercot* in the County of *Oxford* to the University and City of *Oxford*. [11th April 1843.]

[The preamble recites 21 Jac. 1. c. 32 (*supra*) and 28 Geo. 3. c. 51, and that the Commissioners under the Act of 21 Jac. 1 some time in 1790 sold and con-

¹ Section 7 was repealed by 23 & 24 Vict. c. 127. s. 2 (*infra*).

A. D. 1843.

veyed the Pound Locks Turnpikes and Works to the Commissioners under 11 Geo. 3. c. 45 (*supra*), and thereafter discontinued to exercise any of the powers given to them in regard to the navigation from Bercot to Oxford ; but that they were or claimed to be entitled to certain pieces of land with buildings thereon forming part of a wharf called Folly Bridge or Parker's Wharf and to certain pieces of ground now forming two wharves called Lower or Mallam's Wharf, which pieces of land at the time of the sale had been used as public wharves for which tolls were paid to the Commissioners of the Act of 21 Jac. 1, but had since 1829 not been so used ; that the former wharf was not now used for any purpose, and the latter two wharves were used as private wharves and for other private purposes ; that the Commissioners under the Act of 21 Jac. 1 claimed to be entitled to the said pieces of land and buildings thereon and had in their hands £210 or thereabouts ; and that inasmuch as the pieces of lands have ceased to be used as public wharves and are unnecessary for that purpose, and inasmuch as the Commissioners have not now any powers in relation to the navigation from Bercot to Oxford they have not any power or authority to dispose of the said sums of money or rent of the wharves, and are desirous to be empowered to sell the wharves and all other lands and to apply the proceeds and the money in their hands towards defraying the expenses of widening 'the Street or Lane in the said City called *Jesus College Lane* or *Market Lane*, running from the Corn Market into the Turl, and the lower or South Part of the Street now called *Saint Aldate's* otherwise *Saint Toll's*, near to *Folly* or *Friar's Bridge*'.

Section 1 then provides that the powers of 21 Jac. 1. c. 32 shall be effectual for carrying this Act into execution.

Section 2 directs the lands to be sold.

6 & 7 VICT.] *Thames (Burcot to Oxford) Navigation* [Cap. vi
Commissioners.

Section 3 prescribes the form of conveyance.

A. D. 1843.

Section 4 authorizes the Commissioners after payment of expenses to pay the remainder of the money in their hands or arising from the sale to 'the Committee for the Time being appointed by the Chancellor, Masters, and Scholars of the University of *Oxford*, and the *Mayor*, Aldermen, and Burgesses of the City of *Oxford*, respectively, pursuant to the Provisions of' 11 Geo. 3. c. 19 (*supra*) to be applied towards the costs and expenses to be incurred under 11 Geo. 3. c. 19, 21 Geo. 3. c. 47 (*supra*), 52 Geo. 3. c. 72 (*supra*), and 5 & 6 W. 4. c. lxix (*supra*) in widening the streets above mentioned.

Section 5 provides that not less than one half shall be applied towards widening Saint Aldate's, and that if there is any surplus it shall be applied for the improvement of the market.

Section 8 provides that when the property has all been sold and the money applied as directed all the Powers and authorities by 21 Jac. 1. c. 32 or this Act conferred on the Commissioners shall cease and determine.

Section 9 declares the Act to be a public Act.]

6^o & 7^o VICT. Cap. x.

An Act for making a Railway from the *Great Western* Railway to the City of *Oxford*.

[11th April 1843.]

CCCIV. And be it enacted, That the Vice Chancellor, the Proctors, and Pro-proctors for the Time being of the University of *Oxford*, and Heads of Colleges and Halls, and the Marshal of the said University, or other Person or Persons (provided such other Person or Persons shall have been deputed by Writing under the Hand of the Vice Chancellor of the said University for the Time being, or of the Head or Governor, or, in his Absence, the

Officers of the University of *Oxford* to have Access to Railway Stations.

A. D. 1843. Vicegerent of any College or Hall in the said University), shall, at or about the Times of Trains of Carriages upon the said Railway starting or arriving, and at all other reasonable Times, have free Access to every Depôt or Station for the Reception of Passengers proceeding by the Trains upon the said Railway, and to every Part thereof, and to every Booking Office, Ticket Office, or other Office or Place for Passengers upon the said Railway, wheresoever such Office or Place shall be, and shall then and there be entitled to demand and take and have, without any unreasonable Delay, from the proper Officer or Servant of the Company, such Information as it may be in the Power of any Officer or Servant of the Company to give, with reference to any Passenger or Person having passed or applying to pass on the said Railway, or otherwise coming to or being in or upon the said Depôt or Station or Place, who shall be a Member of the said University or suspected of being such; and in case the said Company, or their Officers or Servants, or any of them, shall not permit such free Access to the said Depôts or Stations as aforesaid, or shall not furnish such Information as herein-before mentioned, the said Officer or Servant of the said Company shall for each Default forfeit and pay a Sum not exceeding Five Pounds.

Company
not to con-
vey such
Members
of the Uni-
versity as
the said
Officers of
the Uni-
versity
shall re-
quire them
not to
convey.

CCCV. And be it enacted, That if the said Vice Chancellor or Proctors or Pro-proctors for the Time being of the said University, or Heads of Colleges and Halls, or the Marshal of the said University, or other Person or Persons deputed as aforesaid, shall at any Time or Times previous to the starting of any Train of Carriages upon the said Railway, notify to the proper Officer, Book-keeper, or Servant of the said Company that any Person or Persons about to travel in or upon the said Railway is a Member of the University not having taken the Degree of Master of Arts or Bachelor in Civil Law, and shall identify such Member to such proper Officer, Book-keeper, or Servant of the Company, at the Time of giving such Notice, and require such Officer, Book-keeper, or Servant to decline to

take such Member of the University as a Passenger upon the said Railway, the proper Officer, Book-keeper, or Servant of the said Company shall immediately thereupon, and for the Space of Twenty-four Hours after such Notice, Identification, and Requirement, refuse to convey such Member of the said University in or upon the said Railway, and which he is hereby authorized to do, notwithstanding such Member may have paid his Fare; and in case any such Member of the said University shall be knowingly and wilfully allowed to be conveyed thereon after such Notice, within the Time aforesaid, the said Company shall for each Passenger so conveyed forfeit and pay a Sum not exceeding Five Pounds: Provided always, that no Member of the University represented as such to the said Company, or any of their Officers or Servants, by the said Vice Chancellor, Proctors, Pro-proctors, Heads of Colleges and Halls, Marshal, or other Person or Persons deputed as aforesaid, or any of them, who shall be refused to be carried by the said Company, or by any of their Officers or Servants, shall on that account be entitled to claim or recover any Damage or Compensation from the said Company, or such Officers, Book-keepers, or Servants, provided that, in case such Member shall have paid his Fare, the same shall have been tendered or returned to him on Demand.

CCCVI. And be it enacted, That it shall not be lawful for the said Company to take up or set down any Person or Persons being Members of the University, but not having taken the Degree of Master of Arts or Bachelor in Civil Law, on any Part of the said Railway, except at the regularly appointed Stations of the Line; and in case the said Company shall take up or set down any such Person or Persons, except at such regularly appointed Stations of the Line, they shall forfeit a Sum not exceeding Five Pounds for each such Person so taken up or set down.

CCCVII. And be it enacted, That it shall be incumbent upon the said Company, and they are hereby required, from Time to Time, and at all Times during the Progress

Company to take up and set down Members of the University at appointed Stations only.

Giving Control to Officers of the Uni-

A. D. 1843.
 versity as
 to the Ap-
 pointment
 of Special
 Constables
 during the
 Construc-
 tion of the
 Railway.

of all or any Part of the Works in, upon, or about the said Railway within Three Miles of the City of *Oxford*, and until the Completion of the said Works and the Opening of the said Railway for the Conveyance of Passengers, constantly to employ a sufficient Number of fit and proper Persons as Special Constables, whose Duty it shall be to superintend, manage, and control the Workmen engaged in or about such Works, and the said Special Constables shall be subject to the Order and Direction of the Vice Chancellor and the Proctors and Pro-proctors of the said University for the Time being; and if the Vice Chancellor of the said University for the Time being shall have Cause to think the Number of Special Constables to be employed by the Company as last aforesaid not sufficient, it shall be lawful for him to appoint such additional Number as he shall judge expedient, such Special Constables to be paid by the Company in like Manner as the Special Constables who may be employed by them.

Saving
 rights of
 the Uni-
 versity of
 Oxford.

CCCVIII. And be it enacted, That nothing herein contained shall in any Manner alienate, prejudice, alter, interfere with, or impede the Exercise of any of the Rights, Privileges, or Authorities whatsoever of the said University, or of any of the Officers, Ministers, or Servants thereto belonging.¹

[Section 354 declares the Act to be a public Act.]

7^o & 8^o VICT. Cap. lxii.

A. D. 1844. An Act to enable the *Eastern Counties Railway Company* to make a Railway from the *Northern and Eastern Railway* at *Newport by Cambridge* to *Ely*, and from thence Eastward to *Brandon* and Westward to *Peterborough*.

[4th July 1844.]

¹ The Acts for making the Railway from Oxford to Bletchley do not contain these or any similar provisions. (G.)

CLXXXIV. And be it enacted, that the Vice Chancellor, the Proctors, and Pro-Proctors for the Time being of the University of *Cambridge*, with or without their Servants, and the Heads and Tutors of Colleges and Halls, and the Marshal and the Yeoman Bedel of the said University, or other Person or Persons, provided such other Person or Persons shall have been deputed by Writing under the Hand of the Vice Chancellor of the said University for the Time being, or of the Head or Governor, or, in his Absence the Vicegerent of any College or Hall in the said University, shall, at or about the Times of Trains of Carriages upon the said Railway starting or arriving, and at all reasonable Times, have free Access to every Depôt or Station for the Reception of Passengers proceeding by the Trains upon the said Railway, and to every Part thereof, and to every Booking Office, Ticket Office, or other Office or Place for Passengers upon the said Railway wheresover such Office or Place shall be, and shall then and there be entitled to demand, and take and have, without any unreasonable Delay, from the proper Officer or Servant of the Company, such Information as it may be in the Power of any Officer or Servant of the Company to give with reference to any Passenger or Person having passed or applying to pass on the said Railway, or otherwise coming to or being in or upon the said Depôt or Station or Place, who shall be a Member of the said University or suspected of being such; and in case the said Company, or their Officers or Servants, or any of them, shall not permit such free Access to the said Depôts or Stations as aforesaid, or shall not furnish such Information as herein-before mentioned, the said Officer or Servant of the said Company shall for each Default forfeit a Sum not exceeding Five Pounds.

CLXXXV. And be it enacted, That if the said Vice Chancellor or Proctors or Pro-Proctors for the Time being of the said University, or Heads or Tutors of Colleges and Halls of the said University, or any of them, or any other Person or Persons deputed as aforesaid, shall, at any Time

Officers of the University of Cambridge to have Access to Railway Stations.

Company not to convey such Members of the University as the said Officers of

A. D. 1844.
the Uni-
versity
shall re-
quire them
not to
convey.

or Times previous to the starting of any Train of Carriages upon the said Railway notify to the proper Officer, Book-keeper, or Servant of the said Company that any Person or Persons about to travel in or upon the said Railway is a Member of the University not having taken the Degree of Master of Arts or Bachelor in Civil Law or Medicine, and shall identify such Member to such proper Officer, Book-keeper, or Servant of the Company at the Time of giving such Notice, and require such Officer, Book-keeper, or Servant to decline to take such Member of the University as a Passenger upon the said Railway, the proper Officer, Book-keeper, or Servant of the said Company shall immediately thereupon, and for the Space of Twenty-four Hours after such Notice, Identification, and Requirement, refuse to convey such Member of the said University in or upon the said Railway, and which he is hereby authorized to do, notwithstanding such Member may have paid his Fare; and in case such Member of the said University shall be knowingly and wilfully allowed to be conveyed thereon after such Notice, within the Time aforesaid, the said Company shall for each Passenger so conveyed forfeit a Sum not exceeding Five Pounds: Provided always, that no Member of the University represented as such to the said Company, or any of their Officers or Servants, by the said Vice Chancellor, Proctors, Pro-Proctors, Heads or Tutors of Colleges and Halls, or other Person or Persons deputed as aforesaid, or any of them, who shall be refused to be carried by the said Company, or by any of their Officers or Servants, shall on that account be entitled to claim or recover any Damage or Compensation from the said Company, or such Officers, Book-keepers, or Servants, provided that in case such Member shall have paid his Fare the same shall have been tendered or returned to him.

Company
to take up
and set
down
Members
of the Uni-
versity at

CLXXXVI. And be it enacted, That it shall not be lawful for the said Company to take up or set down any Person or Persons who shall be known to the Company or their Officers as Members of the University, but not having taken the Degree of Master of Arts or Bachelor in Civil

Law or Medicine, on any Part of the said Railway, except at the regular appointed Stations of the Line; and in case the said Company shall take up or set down any such Person or Persons, except at such regular appointed Stations of the Line, they shall forfeit a Sum not exceeding Five Pounds for each Person so taken up or set down.

A. D. 1844.
appointed
Stations
only.

CLXXXVII. And be it enacted, That it shall be incumbent upon the said Company and they are hereby required from Time to Time, and at all Times during the Progress of all or any Part of the Works in, upon, or about the said Railway, within Three Miles of the Town of *Cambridge*, and until the Completion of the said Works, and the opening of the said Railway for the Conveyance of Passengers, constantly to employ a sufficient Number of fit and proper Persons as Special Constables, whose Duty it shall be to superintend, manage, and control the Workmen engaged in or about such Works, and the said Special Constables shall be subject to the Order and Direction of the Vice Chancellor and the Proctors and Pro-Proctors of the said University for the Time being; and if the Vice Chancellor of the said University for the Time being shall have Cause to think the Number of Special Constables to be employed by the Company as last aforesaid not sufficient, it shall be lawful for him to appoint such additional Number as he shall judge expedient, such Special Constables to be paid by the Company in like Manner as the Special Constables who may be employed by them.

Giving
Control to
Officers of
the Uni-
versity as
to the Ap-
pointment
of Special
Constables
during the
Construc-
tion of the
Railway.

CLXXXVIII. And be it enacted, That it shall not be lawful for the said Company to take up or set down any Passenger or Passengers at the *Cambridge* Railway Station, or at any Place within Three Miles of the same, between the Hours of Ten in the Morning and Five in the Afternoon on any *Sunday*, unless it should happen that any Train usually arriving at or departing from the said Station at or before the said Hour of Ten in the Morning has been delayed by some unavoidable Accident; and that for every Person so taken up or set down the said Company shall forfeit a Sum not exceeding the Sum of Five Pounds, to be

Company
not to take
up or set
down Pas-
sengers at
the Cam-
bridge
Station
between
certain
Hours on
Sundays.

A. D. 1844. recoverable and levied by summary Conviction and Distress and Sale before any Justice of the Peace for the County of *Cambridge* not holding any Office in the said University, and that such Justice of the Peace, shall have Jurisdiction whether the said Person or Persons or any of them shall have been taken up or set down within the Borough of *Cambridge*, or the Precincts of the said University, or at any Place within the said County, the said Forfeiture or Penalty to be paid and applied to and for the Benefit and Use of *Addenbrooke's* Hospital, or other County Charity that may in lieu thereof be hereafter from Time to Time declared for the Purpose under the Seal of the said University; and that the said Conviction may be in the Form specified in the Schedule (D.) to this Act annexed; and that Service of any Information, Summons, or other legal Document upon any Clerk, Officer, or other Agent of the said Company, at any Station of the said Company within the said County or Borough of *Cambridge*, shall be sufficient Service on the said Company.

For protecting the Springs and Water-courses which supply the University and Town of Cambridge with Water.

CLXXXIX. And whereas the said Railway is intended to be carried over the Watercourse or Channel¹ by means of which the University and Town of *Cambridge* are supplied with Water, and it is expedient to provide against Injury or Obstruction being occasioned thereto by means of the Construction of the said Railway, and also to secure a free Passage along each Side of the said Watercourse or Channel for the Purpose of cleansing, repairing, maintaining, and managing the same, and the Springs and other Sources which now feed the same; be it therefore enacted, That in carrying the said Railway over the said Watercourse and Channel the said Railway Company shall and they are hereby required to make such Openings, Arches, Tunnels, Culverts, Pipes, Drains, or other Passages for Water, and such other Works, under or near the said Railway, and the Fences on each Side thereof respectively, and

¹ See further as to this watercourse (*supra*) 28 Geo. 3. c. 64. s. 101, 47 Geo. 3. Sess. 2. c. 60. s. 31, 52 Geo. 3. c. 141. ss. 43, 44, and 7 & 5 Will. 4. c. 3. ss. 23-27, and (*infra*) 16 & 17 Vict. c. xxiii. s. 24.

of such Breadth, Depth, and Dimensions, as shall be sufficient in every respect at all Times to convey Water from the Springs and other Sources which now feed the said Watercourse or Channel without obstructing or impounding or injuring the said Water in the Quantity or Quality thereof, or otherwise howsoever, and also shall and they are hereby required to leave under the said Railway where it passes over the said Watercourse and Channel a clear and sufficient Path of not less than Six Feet in Breadth on each Side of the said Watercourse and Channel, and with a Headway of not less than Six Feet between the said Path and the Soffit of the said Railway; and all such Openings, Arches, Tunnels, Culverts, Pipes, Drains, or other Passages and Works shall from Time to Time be supported, maintained, cleansed, and kept in good and sufficient Repair by and at the Expence of the said Company; and the said Company shall not make or sink any Excavation, Well, or Pit, or do or construct any Work or Works whatsoever, which shall in any way obstruct or impound or injure the Supply of Water derived to the said University and Town from the said Springs and other Sources in the Quantity or Quality thereof, or otherwise howsoever.

CXC. And be it enacted, That if, by reason of any Excavation, Well, or Pit made or sunk, or of any Work or Works done or constructed, by the said Company, or by reason of the bad State of Repair of any such Work, the Supply of Water derived to the said University and Town from the Springs and other Sources aforesaid shall be obstructed impounded or injured in the Quantity or Quality thereof, or otherwise howsoever, then and in any and every such Case the said Company shall pay to the Vice Chancellor for the Time being of the said University, and the Mayor for the Time being of the said Town of *Cambridge*, as and by way of ascertained Damages, the Sum of Twenty Pounds for every Day during which the Supply of Water shall be obstructed, impounded, or injured in the Quantity or Quality thereof, or in any other Way

A. D. 1844.

Penalty on
Company
for ob-
structing
Supply of
Water to
the Uni-
versity and
Town of
Cam-
bridge.

A. D. 1844. whatsoever; and in default of Payment thereof, on Demand made on the Secretary or any of the Directors of the said Company, the said Vice Chancellor for the Time being and the Mayor for the Time being may jointly sue for and recover the same, together with full Costs of Suit, against the said Company by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*: Provided always, that nothing herein contained shall extend to prevent the said Vice Chancellor and Mayor for the Time being from jointly recovering against the said Company any special Damage that may be sustained on account of the Acts or Defaults of the said Company, in respect of which the aforesaid Penalty is imposed, beyond the Amount of such Penalty, and they are hereby authorized jointly to sue for and recover such special Damages accordingly; but in every Case where the Penalty or Penalties herein-before imposed shall have been paid by the said Company, and any Action for special Damage shall be brought as above mentioned, then the said Penalty or Penalties so paid shall be deemed and considered as Payments on account of such special Damage, and Credit shall be given by the Court before whom such Action shall be tried for any Sum or Sums of Money so paid by the said Company, and the same shall be deducted from the Amount of Damages to be recovered by the said Vice Chancellor and Mayor for the Time being; and in case the Amount of Damages recovered shall not exceed the Sum or Sums so paid, then and in such Case Judgment shall be given for the said Company; and no Action shall be maintainable by the said Vice Chancellor and Mayor for the Time being against the said Company for the Recovery of any Penalty or Penalties after Judgment shall have been obtained by them for any special Damage in respect of the Act or Acts, Default or Defaults for which such Penalty or Penalties would have been recoverable.

CXCI. And be it enacted, That nothing herein contained shall in any Manner alienate, prejudice, alter, interfere with, or impede the Exercise of any of the Rights, Privileges, or

Authorities whatsoever of the said University, or of any of the Officers, Ministers, or Servants thereto belonging. A. D. 1844.
of Cam-
bridge.

[Section 215 declares the Act to be a public Act.]

8^o & 9^o VICT. *Cap. xxx.* *

An Act for repairing certain Roads between *Stokenchurch* and the Borough of *New Woodstock* in the County of *Oxford*, and several other Roads communicating therewith. A. D. 1845.
[30th June 1845.]

[Section 1 enacts that the Act shall commence on the 1st of August, 1845, and repeals on that date 5 Geo. 4. c. xcix (*supra*).

Section 3 appoints trustees for executing the Act who do not include the Vice Chancellor or any other University official as such.

Section 7 describes the roads to be repaired under the Act which include *inter alia* so much of the Mileway at the North end of Cheyney Lane as leads from that point to the South end of Marston Lane and so much of the Mileway leading by or from St. Giles's Church towards Woodstock as lies between the North end of Blenheim Place and the termination of the same Mileway.]

XXIII. And be it enacted, That no Money shall be laid out in the Town of *Oxford*, or on any Road within the Limits of the Acts of Parliament passed for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and adjoining Parish of *Saint Clement*, other than on those Parts of the Two Mileways herein-before described which are to be repaired and maintained under the Powers of this Act as Part of the Roads within the same now being beyond the Buildings of the said Town, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected within Tolls not
to be laid
out in
repair of
Roads in
Towns.

A. D. 1845. the said Town or Limits other than on such Parts of the said Two Mileways as aforesaid.

Saving the
Rights of
the Uni-
versity and
City of
Oxford.

XXIV. Provided always, and be it enacted and declared, That nothing in this Act contained shall extend or be deemed or construed to extend to take away, diminish, or impede the Exercise of any Privilege or Right whatsoever of the University and City of *Oxford* respectively, or of any of the Magistrates, Officers, Ministers, or Servants thereunto belonging respectively, in or upon or over such Parts of the said Two Mileways as shall be repaired and maintained by virtue or under the Authority of this Act.

[Section 26 enacts that the Act shall be in force from the 1st of August, 1845, for thirty one years and from thence to the end of the next following session of Parliament.¹

Section 28 declares the Act to be a Public Act.]

8^o. & 9^o VICT. *Cap. clxxxiv.*

An Act for making a Railway from *Oxford* to
Worcester and *Wolverhampton*.

[4th August 1845.]

Officers of
the Uni-
versity of
Oxford to
have
Access to
Railway
Stations.

CXLIII. And be it enacted, That the Vice Chancellor, the Proctors, and Pro-proctors for the Time being of the University of *Oxford*, and Heads of Colleges and Halls, and the Marshal of the said University, or other Person or Persons deputed by Writing under the Hand of the Vice Chancellor of the said University for the Time being, or of the Head or Governor, or in his Absence the Vicegerent of any College or Hall in the said University, shall at or about the Times of Trains of Carriages upon the said Railway starting or arriving, and at all other reasonable Times, have free Access to every Depôt or Station for the

¹ This Act was continued by Annual Turnpike Acts Continuance Acts till that of 1877 (40 & 41 Vict. c. 64) which fixed the 1st of November, 1878, for its expiration.

Reception of Passengers proceeding by the Trains upon the said Railway, and to every Part thereof, and to every Booking Office, Ticket Office, or other Office or Place for Passengers upon the said Railway at *Oxford* or within Ten Miles thereof, and shall then and there be entitled to demand, and take and have, without any unreasonable Delay, from the proper Officer or Servant of the Company, such Information as it may be in the Power of any Officer or Servant of the Company to give with reference to any Passenger or Person having passed or applying to pass on the said Railway, or otherwise coming to or being in or upon the said Depôt or Station or Place, who shall be a Member of the said University, or suspected of being such; and in case the said Company or their Officers or Servants, or any of them, shall not permit such free Access to the said Depôts or Stations as aforesaid, or shall not furnish such Information as herein-before mentioned, the said Officer or Servant of the said Company shall for each Default forfeit and pay a Sum not exceeding Five Pounds. A. D. 1845.

CXLIV. And be it enacted, That if the said Vice Chancellor or Proctors or Pro-proctors for the Time being of the said University, or Heads of Colleges and Halls, or the Marshal of the said University, or other Person or Persons deputed as aforesaid, shall, at any Time or Times previous to the starting of any Train of Carriages upon the said Railway, notify to the proper Officer, Book-keeper, or Servant of the said Company that any Person or Persons about to travel in or upon the said Railway is a Member of the University, not having taken the Degree of Master of Arts or Bachelor in Civil Law, and shall identify such Member to such proper Officer, Book-keeper, or Servant of the Company at the Time of giving such Notice, and require such Officer, Book-keeper, or Servant to decline to take such Member of the University as a Passenger upon the said Railway, the proper Officer, Book-keeper, or Servant of the said Company shall immediately thereupon, and for the Space of Twenty-four hours after such Notice, Penalty on Company conveying Members of the University after receiving Notice from the University Officers.

A. D. 1845. Identification, and Requirement, refuse to convey such Member of the said University in or upon the said Railway, and which he is hereby authorized to do notwithstanding such Member may have paid his Fare ; and in case any such Member of the said University shall be knowingly and wilfully allowed to be conveyed thereon, after such Notice, within the Time aforesaid, the said Company shall for each Passenger so conveyed forfeit and pay a Sum not exceeding Five Pounds : Provided always, that no Member of the University represented as such to the said Company or any of their Officers or Servants, by the said Vice Chancellor, Proctors, Pro-proctors, Heads of Colleges and Halls, Marshal, or other Person or Persons deputed as aforesaid, or any of them, who shall be refused to be carried by the said Company or by any of their Officers or Servants, shall on that Account be entitled to claim or recover any Damage or Compensation from the said Company, or such Officer, Book-keepers, or Servants, provided that in case such Member shall have paid his Fare the same shall have been tendered or returned to him on demand.

Company
to take up
and set
down
Members
of the Uni-
versity at
appointed
Stations
only.

CXLV. And be it enacted, That it shall not be lawful for the said Company to take up or set down any Person or Persons being Members of the University, but not having taken the Degree of Master of Arts or Bachelor in Civil Law, on any Part of the said Railway at *Oxford*, or within Ten Miles thereof, except at the regularly appointed Stations of the Line ; and in case the said Company shall take up or set down any such Person or Persons, except at such regularly appointed Stations of the Line, they shall forfeit a Sum not exceeding Five Pounds for each such Person so taken up or set down.

Company
to appoint
Special
Constables
during the
Construc-
tion of the
Railway,

CXLVI. And be it enacted, That it shall be incumbent upon the said Company, and they are hereby required, from Time to Time, and at all Times during the Progress of all or any Part of the Works in, upon, or about the said Railway within Three Miles of the City of *Oxford*, and

8 & 9 VICT.] *Oxford, Worcester, and Wolver-* [Cap. clxxxiv
hampton Railway.

until the Completion of the said Works, and the opening of the said Railway for the Conveyance of Passengers, constantly to employ a sufficient Number of fit and proper Persons as Special Constables, whose Duty it shall be to superintend, manage, and control the Workmen engaged in or about such Works; and the said Special Constables shall be subject to the Order and Direction of the Vice Chancellor and the Proctors and Pro-proctors of the said University for the Time being; and if the Vice Chancellor of the said University for the Time being shall have Cause to think the Number of Special Constables to be employed by the Company as last aforesaid not sufficient, it shall be lawful for him to appoint such additional Number as he shall judge expedient, such Special Constables to be paid by the Company in like Manner as the Special Constables who may be employed by them.

A. D. 1845.
 who shall
 be under
 the Control
 of the
 University.

CXLVII. And be it enacted, That nothing herein contained shall in any Manner alienate, prejudice, alter, interfere with, or impede the Exercise of any of the Rights, Privileges, or Authorities whatsoever of the said University, or of any of the Officers, Ministers, or Servants thereto belonging.

Saving
 Rights of
 the Uni-
 versity of
 Oxford.

[Section 150 declares the Act to be a public Act.]

8° & 9° VICT. Cap. clxxxviii.

An Act for making a Railway from the City of
Oxford to the Town of *Rugby*.

[4th August 1845.]

[Sections 62-66 are *verbatim* the same as 8 & 9 Vict. c. clxxxiv. ss. 143-147 (*supra*), except that before 'other' in line 4 of s. 143 the word 'any' is inserted in s. 62, and that for the word 'Officer', where it last occurs in s. 144, section 63 reads 'Officers'.

Section 69 declares the Act to be a public Act.]

9° & 10° VICT. CAP. XCV.

A. D. 1846. An Act for the more easy Recovery of Small Debts
and Demands in *England*.¹

[28th August 1846.]

[This Act provides for the establishment and regulation
of County Courts.]

Act not to
affect
Rights of
Univer-
sities of
Oxford or
Cam-
bridge.

CXL. Provided always, and be it enacted, That nothing
in this Act contained shall be construed to alter or affect
the Rights or Privileges of the Chancellor, Masters, and
Scholars of the Universities of *Oxford* or *Cambridge* respec-
tively as by Law possessed, or the Jurisdiction of the Courts
of the Chancellors or Vice Chancellors of the said Univer-
sities, as holden under the respective Charters of the said
Universities, or otherwise.

9° & 10° VICT. Cap. clxxii.

An Act for making a Railway from *Chesterford* to
Newmarket with a branch to *Cambridge*.

[16th July 1846.]

[Sections 33-37 agree *verbatim* with sections 184-188 of
7 & 8 Vict. c. lxii (*supra*), except that section 36 omits
'and' where that word occurs in line 3 of s. 187, and
that section 37 reads 'following Form' for 'Form
specified in the Schedule (D.)' to this Act annexed'
in s. 188, the form which follows being the same as
that in the Schedule to 7 & 8 Vict. c. lxii.

Section 38 repeats *verbatim* s. 191 of 7 & 8 Vict. c. lxii.
Section 42 declares the Act to be a public Act.]

¹ This Act was repealed by 51 & 52 Vict. c. 43. s. 188 (*infra*); but a 176
of that Act is a saving clause in the same terms as s. 140 of this Act.

11° & 12° VICT. CAP. LXIII.

An Act for promoting the Public Health.¹

A. D. 1848.

[31st August 1848.]

[This Act constituted the 'General Board of Health',² and authorized the creation of 'Local Boards of Health' on whom various powers were conferred.]

XXXI. Provided always, and be it enacted, That nothing herein-before contained with respect to the Appointment, Selection, or Election of any Local Board of Health, or Member thereof, shall apply to the City of *Oxford*, or the Parts within the Jurisdiction of the Commissioners for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and the adjoining Parish of *Saint Clement*, (which Commissioners are herein-after called the *Oxford* Commissioners,) or to the Borough of *Cambridge*, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King *George* the Third, for amending and enlarging the Powers of a former Act of the same Reign, for the better paving, cleansing, and lighting the Town of *Cambridge*, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town (which Commissioners are herein-after called the *Cambridge* Commissioners); and if the City of *Oxford*,

Local Board of Health in Oxford and Cambridge to consist of Oxford and Cambridge Improvement Commissioners.

52 G. 3.
c. lxxii.³

34 G. 3,
c. civ.⁴

¹ By 21 & 22 Vict. c. 98 (*infra*) this Act was amended; and by the Public Health Act, 1875 (38° & 39 Vict. c. 55), s. 343. Schedule V. (*infra*), it was repealed, but not till after s. 31, as amended by 21 & 22 Vict. c. 98, s. 82 (*infra*) and 27 & 28 Vict. c. 68, s. 1 (*infra*) had been acted on in Oxford. See 28 & 29 Vict. c. 108 (*infra*). The Oxford Local Board thus constituted, and the Cambridge Improvement Commissioners were constituted Urban Sanitary Authorities for their respective districts by 35 & 36 Vict. c. 79 (*infra*), and again by 38 & 39 Vict. c. 55.

² The powers conferred by this Act on the General Board of Health were by 21 & 22 Vict. c. 98 (*infra*) in effect transferred to a Secretary of State, for whom the Local Government Board was substituted by 34 & 35 Vict. c. 70, s. 7.

³ c. 72 (*supra*).

⁴ c. 104 (*supra*).

A. D. 1848. or the Parts within the first-mentioned Jurisdiction, become a District under this Act, the same shall be called the *Oxford* District, and the said *Oxford* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act; and if the Borough of *Cambridge*, or the Parts comprised within the Jurisdiction secondly above mentioned, become a District under this Act, the same shall be called the *Cambridge* District, and the said *Cambridge* Commissioners for the Time being shall, within and for such District, be the Local Board of Health under this Act.

Meetings
of Local
Boards
of Non-
corporate
Districts,
and Regu-
lation of
Business,
&c.

XXXIV. And be it enacted, That the Local Board of Health of every Noncorporate District shall hold an annual Meeting and other Meetings for the Transaction of Business under this Act once at least in each Month, and at such other Times as may be necessary for properly executing its Powers and Duties under this Act, and shall from Time to Time make Bye Laws with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business by such Board under this Act: Provided always, that no Business shall be transacted at any such Meeting unless at least One Third of the full Number of Members be present thereat, except in either of the Districts to be called the *Oxford* or *Cambridge* Districts, in which Cases Business may be transacted if at least Seven Members be present: and all Questions shall be decided by a Majority of Votes; and the Names of the Members present, as well as of those voting upon each Question, shall be recorded; and the said Local Board shall at their first Meeting under this Act, and afterwards from Time to Time at their annual Meeting, appoint One of their Number to be Chairman for One Year at all Meetings at which he is present; and in case the Chairman so appointed be absent from any Meeting at the Time appointed for holding the same the Members present shall appoint One of their Number to act as Chairman thereat; and in case the Chairman appointed as first aforesaid die, resign, or be-

come incapable of acting, another Member shall be appointed to be Chairman for the Period during which the Person so dying, resigning, or becoming incapable would have been entitled to continue in Office, and no longer; and the Chairman at any Meeting shall have a Second or casting Vote in case of an Equality of Votes; but nothing herein contained with respect to the Appointment of Chairman shall apply to any District to be called the *Oxford* or *Cambridge* District, and in such Districts the *Oxford* or *Cambridge* Commissioners respectively shall appoint a Chairman as heretofore.

XCIII. And be it enacted, That whenever and so long as any Premises are supplied with Water¹ by the Local Board of Health for the Purposes of domestic Use, Cleanliness, or Drainage, they shall make and levy, in addition to any other Rate, a Water Rate upon the Occupier, except as herein-after provided; and the Rate so made shall be assessed upon the net annual Value of the Premises, ascertained in the Manner herein-before prescribed with respect to the said Special and General District Rates; and when several Houses in the separate Occupation of several Persons are supplied by One common Pipe, the respective Houses shall be charged with the Payment of Water Rates, in the same Manner as if each House had been supplied with Water by a separate Pipe: Provided always, that in any District to be called the *Oxford* or *Cambridge* District the Local Board of Health, with the Consent of the said General Board, may supply Water to any Hall, College, or Premises of the University within such District, upon such Terms with respect to the Mode of paying for such Supply as shall from Time to Time be agreed upon between such University, or any Hall or College thereof, and the said Local Board.

CV. Provided always, and be it enacted, That nothing in this Act shall be deemed to alter or interfere with the Liability of the Universities of *Oxford* and *Cambridge* respectively to contribute in the Proportion and Manner specified in any Local Act under which the *Oxford* and

¹ As to supply of water by Local Boards see ss. 75-80.

A. D. 1848. *Cambridge* Commissioners respectively now act towards the Expense of paving and pitching, repairing, lighting, and cleansing, under the Powers of any such Local Act, the several Streets, Lanes, Ways, Alleys, Passages, and Places within the Jurisdiction of such Commissioners respectively;¹ and in case any Difference shall arise between either of the said Universities and the Local Board of Health with respect to the Proportion and Manner in which the University shall contribute towards any Expenses under this Act, and to which the University is not liable under any such Local Act, the same shall be settled by the General Board of Health: Provided also, that all Rates, Contributions, and Sums of Money which may become payable under this Act by the said Universities respectively, and their respective Halls and Colleges, may be recovered from such Universities, Halls, and Colleges in the same Manner in all respects as Rates, Contributions, and Sums of Money may now be recovered from them by virtue of any such Local Act.²

11^o & 12^o VICT. *Cap.* xxxvii.

An Act to amend Three Acts of His Majesty King *George* the Third, and another Act of His late Majesty King *William* the Fourth, for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and adjoining Parish of *Saint Clement*; and for other Purposes.³

[30th June 1848.]

¹ See as to the quotas referred to in *Oxford* 21 Geo. 3. c. 47. s. 10 (*supra*) and 11 and 12 Vict. c. xxxvii (*infra*), and in *Cambridge* 28 Geo. 3. c. 64. s. 113 (*supra*). The *Cambridge* University quota was reduced by 19 & 20 Vict. c. xvii. s. 50 (*infra*).

² See (*supra*) 11 Geo. 3. c. 19. s. 45, 21 Geo. 3. c. 47. ss. 14, 15, 28 Geo. 3. c. 64. s. 114, and 34 Geo. 3. c. 104. s. 1.

³ This Act and the four other Mileway Acts recited in the preamble were, on the establishment of a Local Board under the Local Government Act, 1858 (21 & 22 Vict. c. 98 (*infra*)), repealed by the Order of the 31st May, 1865, confirmed by 28 & 29 Vict. c. 108 (*infra*), except the provisions relating to *Magdalen Bridge*, the Mileways, and the tolls in respect of the same and mortgages thereof, and those relating to markets and gas supply, the excepted

WHEREAS an Act was passed in the Eleventh Year A. D. 1848, of the Reign of His Majesty King George the Third, intituled *An Act for amending certain of the Mileways leading to Oxford; for making a commodious Entrance through the Parish of Saint Clement; for rebuilding or repairing Magdalen Bridge; for making commodious Roads from the said Bridge through the University and City and the Avenues leading thereto; for cleansing and lighting the Streets, Lanes, and Places within the said University and City and the Suburbs thereof, and the said Parish of Saint Clement; for removing Nuisances and Annoyances therefrom, and preventing the like for the future; for empowering Colleges and Corporations to alienate their Estates there; for removing, holding, and regulating Markets within the said City; and for other Purposes*: And whereas an Act was passed in the Twenty-first Year of the Reign of His said Majesty, intituled *An Act to amend and enlarge the Powers of an Act passed in the Eleventh Year of His present Majesty's Reign, for performing several Works and making Improvements within the University and City of Oxford and the Suburbs thereof, and in the adjoining Parish of Saint Clement*: And whereas an Act was passed in the Fifty-second Year of the Reign of His said Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and adjoining Parish of Saint Clement, and for other Purposes*: And whereas an Act was passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, intituled *An Act for continuing the Term and amending and enlarging the Powers of Three Acts of His Majesty King George the*

provisions, other than those relating to the markets, being by Art. 5 made applicable to the Local Board instead of the Commissioners.

By Art. XXIV of the Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv (*infra*), the unrepealed provisions were repealed, except those relating to markets, in respect of which the Corporation of the City was substituted for the Local Board, the Market Committee, and the University respectively, the right, however, of the University to appoint Clerks of the Market being preserved.

¹ *Supra*.² *Supra*.³ c. 72 (*supra*).⁴ c. lxix (*supra*).

A. D. 1848. *Third, for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and adjoining Parish of Saint Clement, and for other Purposes in the said Act mentioned:* And whereas the Commissioners appointed under or by virtue of the said recited Acts are thereby empowered to raise Monies for new paving and pitching, and also for repairing, lighting, and cleansing, the several public Streets, Lanes, Ways, Passages, and Places within the University, City, Suburbs, and Parish of *Saint Clement*, and for that Purpose they are required annually to ascertain the Sums of Money necessary for those Purposes, Two Fifth Parts of which Sums are to be paid by or on account of the University in the Manner in the said Acts directed, and the remaining Three Fifth Parts thereof are to be raised by Rates or Assessments upon the Owners and Proprietors and Tenants or Occupiers of all Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments within the University, City, Suburbs, and the Parish of *Saint Clement* in the Manner also in the said Acts directed¹: And whereas the said Quotas or Proportions of Two Fifths and Three Fifths in which the Sums so ascertained are to be raised by the respective Parties liable thereto have become inequitable, and it is expedient that the same should be altered, but no Alteration in the said Quotas or Proportions can be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Acts as directs that the said University, and the said Owners and Proprietors and Tenants or Occupiers within the said University, City, Suburbs, and Parish of *Saint Clement*, shall contribute towards the Expenses of new paving and pitching, and repairing, lighting, and cleansing, the several public Streets,

So much of
recited Acts
as directs
certain
Propor-
tions to be
paid for
paving, &c.
repealed.

¹ See 21 Geo. 3. c. 47. s. 10 (*supra*).

Lanes, Ways, Passages, and Places within the Limits a. d. 1848. aforesaid in the Proportion of Two Fifths and Three Fifths, shall be and the same is hereby repealed.

II. And be it enacted, That from and after the passing of this Act the University shall raise and pay One Third Part of such Sums as shall from Time to Time be ascertained and judged necessary by the Commissioners acting in the Execution of this and the said recited Acts to be raised for the Purposes aforesaid, and the remaining Two Third Parts thereof shall be raised and paid by Rates or Assessments upon the Owners and Proprietors, Tenants or Occupiers of all Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments within the said University and City, and the Suburbs of the said City, and the said Parish of *Saint Clement*; and the said Sums shall be ascertained at such Times, and the said Quotas or Proportions of One Third and Two Thirds shall be raised, levied, and recovered by the said Commissioners from the said University, and the said Owners and Proprietors, and Tenants or Occupiers respectively, in the same Manner in all respects as in the said former Acts is directed concerning the said Quotas of Two Fifths and Three Fifths: Provided always, that nothing herein contained shall affect, prejudice, or prevent the Collection as heretofore of any Rates which previous to the passing of this Act shall have been duly made by the Commissioners according to the former Quotas or Proportions.

III. And be it enacted, That if during the Term of Twenty-one Years from the passing of this Act the Quotas or Proportions of One Third and Two Thirds by this Act fixed shall have become inequitable, it shall be lawful for the Vice Chancellor of the University for the Time being, or for the Mayor of the City of *Oxford* for the Time being, to give Notice in Writing to the other of them, which Notice shall be sufficient if left at the usual Place of Abode of the said Vice Chancellor or Mayor Twelve Calendar Months at least before the Expiration of the said Term of Twenty-one Years, requiring the Chancellor, Masters, and Scholars, or the Mayor, Aldermen, and Citizens of *Oxford*, as the Case

The Rates to be raised by certain Proportions, at such Times and in such Manner as by former Acts directed.

After Expiration of 21 Years if Quotas are become unequal they may after 12 Months Notice be altered.

A. D. 1848. may be, to join in agreeing upon and fixing a new Quota or Proportion in which the said University and the said Owners and Proprietors and Tenants or Occupiers of the said University and City, Suburbs, and Parish of *Saint Clement*, shall, from and after the Expiration of the said Term of Twenty-one Years, respectively contribute towards the Expenses of new paving and pitching, and repairing, cleansing, and lighting, the several public Streets, Lanes, Ways, Passages, and Places within the said University and City, Suburbs, and Parish of *Saint Clement*, and then and in every such Case it shall be lawful for the Chancellor, Masters, and Scholars of the University, and the Mayor, Aldermen, and Citizens of *Oxford*, and they are hereby empowered, by some Writing or Writings under their Common Seals respectively, to agree on and fix the Quotas or Proportions in which the said University and the said Owners and Proprietors and Tenants or Occupiers shall respectively contribute towards the said Expenses of new paving and pitching, and repairing, cleansing, and lighting, the said public Streets, Lanes, Ways, Passages, and Places within the said University, City, Suburbs, and Parish of *Saint Clement*.

If Parties
do not
agree
Quotas to
be fixed by
Referees or
by their
Umpire.

IV. And be it enacted, That in case the said Chancellor, Masters, and Scholars, and the Mayor, Aldermen, and Citizens, shall not agree upon such Quotas or Proportions on or before the Expiration of Three Calendar Months next after the Service of the Notice first herein-before referred to, then that such Quotas or Proportions shall be fixed by Two competent Persons, one to be named and appointed by the said Chancellor, Masters, and Scholars, and the other by the said Mayor, Aldermen, and Citizens, under their Common Seals, respectively, on or before the Expiration of One Calendar Month next after the Expiration of the said Three Months, or by their Umpire, in case such Two Referees cannot agree, such Umpire to be named and appointed by the said Two Referees within Twenty-one Days after their Appointment, and before they commence their Proceedings; and the Quotas or Proportions so to be

fixed by the said Referees, or their Umpire, shall be final, A. D. 1848. binding, and conclusive on all Parties, and shall be the Quotas or Proportions in which the said University, and the Owners and Proprietors and Tenants or Occupiers within the said University, and City, Suburbs, and Parish of *Saint Clement*, shall thenceforward contribute towards the aforesaid Expenses of new paving and pitching, and repairing, cleansing, and lighting, for and during the Term of Twenty-one Years then next following, or until the said Quotas or Proportions shall again be altered and refixed, and so from Time to Time upon the like Notice, and in the like Manner, at the Expiration of every succeeding Twenty-one Years, if the then existing Quotas or Proportions shall have become inequitable.

V. And be it enacted, That all reasonable Costs and Expenses of the said Two Referees who shall from Time to Time be appointed by the said Chancellor, Masters, and Scholars, and Mayor, Aldermen, and Citizens, and of the Umpire of such Referees, shall be defrayed out of the first Monies which shall be paid by the said University and the said Owners and Proprietors and Tenants or Occupiers to the Commissioners acting in execution of this and the said recited Acts next after every fresh Ascertainment of the said Quotas or Proportions.

As to Payment of the Costs and Expenses of the Two Referees.

VI. And be it enacted, That if either of the said Chancellor, Masters, and Scholars of the said University, or the said Mayor, Aldermen, and Citizens of the City, shall fail to appoint their Referee within the Time herein-before limited for that Purpose, then the Referee appointed by the one Party shall act on behalf of both Parties, and in that Case the Quotas or Proportions which shall be fixed by such single Referee shall be final, binding, and conclusive.

If one Party fail to appoint Referee, the Referee appointed by the other Party may act alone.

VII. And be it enacted, That if when the Two Referees shall have been appointed either of them shall refuse or neglect to act for Twenty-one Days next after his Appointment, and after Notice in Writing from the other Referee of his Intention to proceed alone under the Powers herein contained, or if any Referee when so appointed shall die

If either Referee neglect to act after Notice, or if either die and no other be

A. D. 1848. or become incapable to act, and no other Referee shall be appointed, appointed in his Place by the Party entitled to the Appointment within Twenty-one Days after such Death or Incapacity, the other Referee may proceed *ex parte*, and in such Case the Quotas or Proportions which shall be fixed by him shall in like Manner be final, binding, and conclusive.

If Referees do not appoint an Umpire, or in the Case of Death, &c. another shall not be appointed, the Chairman of the Quarter Sessions may appoint one. VIII. And be it enacted, That if the said Two Referees shall refuse or omit for Twenty-one Days after the Day on which the last of such Referees shall have been appointed to appoint their Umpire, or, in the event of the Death or Incapacity of the Umpire when appointed, if another Umpire shall not be appointed by the Referees within Twenty-one Days after such Death or Incapacity, then and in either of the said Cases the Chairman of the Quarter Sessions of the Peace for the County of *Oxford* for the Time being shall appoint such Person as he shall think fit to act as Umpire, and the Quotas or Proportions which shall be fixed by such Umpire shall be final, binding, and conclusive.

Expenses of the Act. IX. And be it enacted, That all the Expenses incurred in and about the procuring and passing this Act shall be paid by the Chancellor, Masters, and Scholars of the University of *Oxford*.

Powers of recited Acts extended to this Act. X. And be it enacted, That all the Clauses, Powers, Provisions, Regulations, and Authorities contained in either of the said Four recited Acts, and now in force, (except so far as the same are by this Act repealed or varied,) shall for the Purposes of this Act, and together with this Act, be applied to and be executed and put in force for the Purposes therein and herein mentioned and specified in as full and ample a Manner as if the same were specifically repealed and re-enacted in or by this Act.

Public Act. XI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

12^o & 13^o VICT. CAP. XXVI.

A. D. 1849. An Act for granting Relief against Defects in Leases made under Powers of Leasing in certain Cases.

[26th June 1849.]

[The Act relieves against defects arising from nonob- A. D. 1849.
servance or omission of some condition or restriction
or other deviation from the terms of a power of leasing
or from not referring to the power.]

VII. And be it enacted, That this Act shall not extend Act not to extend to certain Lessees.
to any Lease by an Ecclesiastical Corporation or Spiritual
Person, or to any Lease of the Possessions of any College,
Hospital, or Charitable Foundation, . . .

13^o & 14^o VICT. CAP. XCIV.

An Act to amend the Acts relating to the Ecclesi- A. D. 1850.
astical Commissioners for *England*.

[14th August 1850.]

[The Preamble recites 6 & 7 Will. 4. c. 77, 3 & 4 Vict.
c. 113 (*supra*), and 4 & 5 Vict. c. 39. The Act pro-
vides for the appointment of 'Church Estates Commis-
sioners', vests in them the estates held in trust for the
Ecclesiastical Commissioners, and makes provisions
for the management of those estates, and for other
purposes.]

XX. And whereas the secondly and thirdly recited Acts Commis-
sioners
may by
Authority
of 3 & 4
Vict. c. 113.
and 4 & 5
Vict. c. 39.,
commute
for Prebend
annexed to
a Dignity
or Office.
contain Provisions under which all Lands, Tithes, Tene-
ments, and other Hereditaments and Endowments (except
any Right of Patronage) belonging to any Prebend not resi-
dentiary in any Cathedral or Collegiate Church in *England*
become from Time to Time, as Vacancies occur in such
Prebends, vested in the said Ecclesiastical Commissioners
for *England* for the Purposes in the same Acts specified,
and the same Acts contain Provisions for enabling the said
Commissioners, with the Sanction of Her Majesty in Council,
in manner by the same Acts specified, to make any Arrange-
ments, with the Consent in Writing of the Holder of any
such Prebend, for substituting in any Case any Money Pay-
ment for any such Lands, Tithes, Tenements, or Heredita-
ments, but every Prebend which is permanently annexed to

A. D. 1850. any Bishoprick, Archdeaconry, Professorship, or Scholarship, or to any School or to the Mastership thereof, are exempted from the Operation of all the said Provisions: And whereas it is expedient that the last-mentioned of the said Provisions relating to the Substitution of a Money Payment for any Lands, Tithes, Tenements or Hereditaments should be extended to the Prebends so exempted as aforesaid, with a view to enabling the said Commissioners to make the Tithes or other Property belonging thereto more conducive to the Spiritual Welfare of the several Parishes or Places dependent thereon or connected therewith: Be it therefore enacted, That it shall be lawful, by the Authority in the secondly and thirdly recited Acts provided, with the Consent in Writing of the Patron of the Dignity or Office to which the same is annexed, to make any Arrangement for vesting in the said Ecclesiastical Commissioners for *England* all or any of the Lands, Tithes, Tenements, and Hereditaments or other Endowments of the same Prebend, and to substitute for the same any just and reasonable Money Payment to such Holder, and all future perpetual annual Payments to his Successors in the same Dignity or Office as shall be deemed by the like Authority to be fit and proper, and also, with the Consent in Writing under the Hand of such last-mentioned Patron, to make any Arrangement which shall be deemed fit as to the future Exercise of the Patronage of any Benefice with Cure of Souls now held by the Holder of such Prebend for the Time being as such Holder; but that no such Alterations shall take any Effect during the Time that the present Holder of such Prebend shall hold the same, except with the Consent in Writing thereto under the Hand of such present Holder.¹

¹ Under the powers conferred by this section the property of the prebend of Shipton annexed to the Regius Professorship of Civil Law in Oxford University has been commuted for an annual money payment. See note to 14 [13 & 14., Ruff.] Car. 2. c. 4. s. 25 (*supra*).

13^o & 14^o VICT. CAP. XCVIII.

An Act to amend the Law relating to the holding of Benefices in Plurality. [14th August 1850.] A. D. 1850.

[The Preamble recites 1 & 2 Vict. c. 106 (*supra*).¹ The Act prohibits the holding of benefices in plurality except under certain conditions of value and proximity. Section 3 defines 'Benefice' as meaning a benefice with cure of souls.]

V. And be it enacted, That it shall not be lawful for any Person appointed after the passing of this Act to the Deanery of any Cathedral Church to hold the Office of Head Ruler of any College or Hall within either of the Universities of *Oxford* or *Cambridge*, or the office of Provost of *Eton College*, or of Warden of *Winchester College*, or of Master of the *Charter House*, together with his Deanry: Provided always, that nothing herein contained shall apply to the Dean of the Cathedral Church of *Christ in Oxford* as Chief Ruler of the College there maintained.

VI. And be it enacted, That (anything in the said recited Act to the contrary notwithstanding) it shall not be lawful for any Spiritual Person, being Head Ruler of any College or Hall within either of the Universities of *Oxford* or *Cambridge*, or being Warden of the University of *Durham*, and also holding any Benefice, to take after the passing of this Act and hold therewith any Cathedral Preferment or any other Benefice, or for any such Spiritual Person, also holding any Cathedral Preferment, to take after the passing of this Act and hold therewith any Benefice: Provided always, that nothing in this Act contained shall be construed to prevent any such Spiritual Person from holding any Benefices or Cathedral Preferment permanently attached to or forming Part of the Endowment of his Office.

¹ For other provisions relating to plurality see that Act and notes thereto (*supra*).

Cap. xxxvii. *The Cambridge Corporation* [13 & 14 VICT.
Act, 1850.

13^o & 14^o VICT. *Cap. xxxvii.*

A. D. 1850. An Act for regulating the Markets and Fairs held within the Borough of *Cambridge*, and at *Reach* in the County of *Cambridge*, and for enlarging the Market Place, and for rebuilding or altering the Guildhall of the said Borough, and for the Improvement of the said Borough, and the better Regulation of the Police within the same.

[15th July 1850.]

Saving
Rights of
the Uni-
versity of
Cam-
bridge.

LI. And be it enacted, That neither this Act nor the Acts incorporated therewith¹ shall be construed to alter or affect the Rights or Privileges, Duties or Liabilities, of the Chancellor, Masters, and Scholars of the University of *Cambridge* as by Law possessed under the Charters of the said University or otherwise.²

14^o & 15^o VICT. *Cap. xcii.*

A. D. 1851. An Act for repealing and amending the Provisions of the Acts relating to the Navigation of the River *Cam* or *Cham*, alias *Grant*, between *Clayhithe Ferry* and the *King's Mill* in the Town of *Cambridge*; for altering the Navigation Tolls; for enabling the Conservators of the said River to sue and be sued in the Name of their Clerk; for conferring additional Powers; and other Purposes.

[24th July 1851.]

¹ By s. 1 The Lands Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 18), by s. 2 certain provisions of the Markets and Fairs Clauses Act, 1847 (10 & 11 Vict. c. 14), by s. 6 certain provisions of the Commissioners Clauses Act, 1847 (10 & 11 Vict. c. 16), by s. 36 certain provisions of the Town Police Clauses Act, 1847 (10 & 11 Vict. c. 89), and by s. 38 certain provisions of the Towns Improvement Clauses Act, 1847 (10 & 11 Vict. c. 34), were incorporated with this Act.

² The privileges, powers, and authorities of the University with respect to the markets and fairs in the borough were abolished by 19 & 20 Vict. c. xvii. s. 15 (*infra*).

[Section 1 repeals from and after the passing of the Act A. D. 1851.

- 1 Anne, St. 2. c. 11 (*supra*) and 53 Geo. 3. c. 214 (*supra*); but continues in office the existing conservators until others are appointed in their place.]

XIV. That Three Persons to be nominated by the Chancellor of the University of *Cambridge* for the Time being or his Deputy, and the Heads of the Colleges of the said University for the Time being, or in their Absence their Deputies, or the major Part of them, Five Persons to be nominated by the Justices of the Peace for the said County of *Cambridge*, Three Persons to be nominated by the Council of the said Borough of *Cambridge*, to be from Time to Time nominated as by this Act provided, shall be Conservators for executing this Act; and such Conservators, and other the Conservators for the Time being, whether appointed under the said recited Acts or this Act, shall be called "The Conservators of the River *Cam* in the County of *Cambridge*", and may and shall exercise the several Powers by this Act conferred on the Conservators, and, subject to the Provisions of this Act, they shall be the Conservators of the River within the Limits of this Act, and shall have Power to purchase and hold Lands and to improve the said River within such Limits, subject to the Provisions and Restrictions contained in this Act and the Acts incorporated herewith.

Act to be carried into execution by Eleven Conservators.

XV. That it shall be lawful for the Chancellor of the said University or his Deputy, and the Heads of the Colleges of the said University for the Time being, or their Deputies, or the major Part of them, to appoint Three Persons to be Conservators to represent the said University, and to act as such Conservators, from and after the first *Tuesday* in the month of *June* One thousand eight hundred and fifty-one, and every Person who at the Time of such Appointment shall be a Conservator appointed for the said University shall be eligible for Re-appointment.

University to appoint Three Conservators.

XVI. That if the Chancellor of the said University or his Deputy, and the Heads of the Colleges of the said

How Vacancies in University

A. D. 1851.
Conservators to be filled up.

University for the Time being, or their Deputies, or the major Part of them, shall at any Time think fit to remove or change any of the Conservators for the Time being appointed for the said University, or if any of such Conservators shall die, or become unfit for the Service, or shall neglect or decline to act as a Conservator, it shall be lawful for the said Chancellor or his Deputy, and the Heads of the Colleges of the said University for the Time being, or their Deputies, or the major Part of them, from Time to Time, as Occasion shall require, to appoint some other Person to be a Conservator in the Room of every Conservator who shall be so removed, or who shall so die, or become unfit or neglect or decline to act as a Conservator.

[Section 17 authorizes the County Justices in Quarter Sessions to appoint five Conservators, and section 18 enables them to fill up casual vacancies.

Section 19 authorizes the council of the Borough of Cambridge to appoint yearly three members of their body as Conservators to represent the Borough; and section 20 enables them to fill up casual vacancies among the conservators so appointed.

Section 21 directs that there shall be six Auditors of the accounts of the Conservators.]

Appoint-
ment of
Auditors.

XXII. That One of such Auditors shall be the Chancellor of the University of *Cambridge* for the Time being, or his Deputy; that One other of such Auditors shall be the Chairman of the then preceding Sessions of the Peace for the County of *Cambridge*; that One other of such Auditors shall be One of the Heads of the Collèges of the University, to be from Time to Time appointed by the Chancellor or his Deputy, and the Heads of Colleges in the said University, or their Deputies, or the major Part of them; that One other of such Auditors shall be One of the Justices of the Peace for the said County, to be from Time to Time appointed by the said Justices of the Peace for the said County at the General Quarter Sessions of the Peace for

the said County, or the major Part of them; and that the remaining Two of such Auditors shall be Two of the Members of the Council of the Borough of *Cambridge* to be annually appointed by the Council of the Borough, on the same Day, in the same Manner, and subject to the like Provisions in all respects as the Conservators to represent the Borough are authorized to be appointed; and any Vacancy in the Office of Auditor appointed by the Council may be filled up by the Council in the same Manner as Vacancies in the Office of Conservators to represent the said Borough are authorized to be filled up by the Council of the Borough. A. D. 1851.

XXIII. That the Accounts of the Conservators, when audited under the Provisions of this Act, shall be fairly entered into Three several Books to be kept for that Purpose, One whereof shall be kept amongst the Evidences of the said University, One other among the Records of the Sessions of the Peace for the said County of *Cambridge*, and the other shall remain in and among the Records of the Sessions of Peace of the said Town of *Cambridge*; the which said Books may be inspected and perused by any Person or Persons requiring the same, without any Fee for such Inspection; and if the Conservators shall omit to prepare and transmit such Books or any of them they shall be liable for every such Omission to a Penalty of Twenty Pounds. Accounts, when audited, to be entered in Three several Books.

XXVII. That so much and such Part of the said River *Cam* or *Cham*, alias *Grant*, as lies within the following Limits, that is to say, between a certain Place called the *King's Mill* in the said Town of *Cambridge* and a certain Place about Seven Miles below the said Town in the said River called *Clayhithe* alias *Clayhive Ferry*, shall be and be deemed to be the Portion of the said River within the Jurisdiction of the Conservators, and subject to the Powers and Provisions of this Act. Limits of Jurisdiction of Conservators.

LXXXIII. That if any Owner or other Person having charge of or employed in navigating any Boat, Barge, or Penalty for Vessels or Boats lying

A. D. 1851. other Vessel upon the said River shall on any Account or or making Pretence whatsoever (except for the Purpose of Repairs on fast be- the said River, or during such Repairs,) permit such Boat, between the small Barge, or other Vessel to stop and remain or lie in any Part Bridge and North-west of the said River between the small Bridge which adjoins Buttress of the the South Side of *Queen's College* in the University of *Cam-* Library of Saint bridge and the North-west Buttress of the Library of *Saint* John's College in the said University, unless for the Purpose of taking on board or landing Passengers or Goods, and during such Time only as shall be necessary for those Pur- poses, or shall in any Manner damage, injure, or deface any Part of the Buildings, Walls, Bridges, Walks, Grounds, Trees, Hedges, Gates, Posts, Pales, Rails, or Fences, or trespass upon any of the Premises, belonging to any of the Colleges or Halls in the said University abutting upon or adjoining to any Part of the said River, every such Owner or other Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Vice-Chan-
cellor in-
vested with
the Power
of Chan-
cellor
during his
Absence.

LXXXVIII. That it shall be lawful for the Vice Chan- cellor of the University of *Cambridge*, or his Deputy, at all Times hereafter, in the Absence of the Chancellor of the said University, to do, perform, and execute all and every such Acts, Powers, and Things as the said Chancellor is by this Act authorized and empowered to do in case he was present, anything in this Act to the contrary notwith- standing.

This Act
not to
lessen the
Privileges
of the Uni-
versity, or
of the
Mayor, &c.
of Cam-
bridge.

LXXXIX. That there shall always be reserved unto the Chancellor, Masters, and Scholars of the said University and their Successors, and also unto the Mayor, Aldermen, and Burgesses of the Borough of *Cambridge*, and all and every Person or Persons, all and singular Customs, Tolls, Duties, Privileges, Immunities, Dockage, Wharfage, and Right of Fishing in the said River within the Limits afore- said which they or either of them might lawfully have and enjoy before the passing of this Act.

15^o & 16^o VICT. CAP. LVI.

An Act for regulating the Qualifications of Pharmaceutical Chemists. A. D. 1852.
[30th June 1852.]

XI. That no Person who is a Member of the Medical Profession, or who is practising under Right of a Degree of any University, or under a Diploma or Licence of a Medical or Surgical Corporate Body, shall be entitled to be registered under this Act; and if any registered Pharmaceutical Chemist shall obtain such Diploma or Licence, his Name shall not be retained on the said Register during the Time that he is engaged in Practice as aforesaid. Exceptions.

16^o & 17 VICT. CAP. XXXIV.

An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices. A. D. 1853.
[28th June 1853.]

[This Act extends to Ireland the duties leviable under Schedules (A.), (B.), and (D.) of 5 & 6 Vict. c. 35 (*supra*) and contains other provisions relating to the assessment and levying of property and income tax.]

XXXIV. Provided also, That the Deduction allowed under Schedule (A.), No. V., of the said Act of the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, for the Repairs of Collegiate Churches and Chapels and Chancels of Churches, or of any College or Hall in any of the Universities, by any Ecclesiastical or Collegiate Body, Rector, Vicar, or other Person bound to repair the same, shall, in respect of the Duties under Schedule (A.) of this Act,¹ be the Amount of the Sum so expended in the Year As to Deductions for the Repairs of Collegiate Churches and Chapels, Chancels, &c.

¹ Schedule (A.) of this Act applies to the property described in s. 1 of 5 & 6 Vict. c. 35 (*supra*) as comprised in Schedule (A.) of that Act, but is extended to include such property in Ireland.

A. D. 1853. preceding that in which the Assessment is made, instead of an Average of Twenty-one Years, as in the said Schedule (A.), No. V., is mentioned. •

16° & 17° VICT. CAP. LXVIII.

An Act to limit the Time for proceeding to Election in Counties and Boroughs in *England* and *Wales*, and for Polling at Elections for the Universities of *Oxford* and *Cambridge*, and for other Purposes.

[15th August 1853.]

WHEREAS it is expedient to alter the Law respecting the Direction and Return of Writs for the Election of Members of Parliament in certain Cases: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Writs to the Sheriffs of Counties to require them to make Election for their Counties only.

Writs for the Election for the Universities of Oxford and Cambridge, and in Boroughs, to be directed to the Returning Officers thereof.

I. The Writ for any Election hereafter to be directed to the Sheriff of any County in *England* or *Wales* (other than the County of a City or of a Town) shall require such Sheriff to cause Election to be made of a Knight or Knights to serve in Parliament for such County, and for any Riding, Parts, or Division thereof only, and not further or otherwise; the Writ for making any Election of a Member or Members to serve in Parliament for the Universities of *Oxford* and *Cambridge*, and for every Borough, Town Corporate, Port, or Place returning Members to serve in Parliament in *England* and *Wales*, shall hereafter be directed to the Vice Chancellors of the said Universities, and to the Returning Officers of such Boroughs, Towns Corporate, Ports, and Places respectively, and such Vice Chancellors and Returning Officers shall thereupon in due Course of Law proceed to Election, and after such Election certify the same, together with the Writ, according to the Directions thereof; all such Writs hereafter to be issued, and all Mandates Precepts, Instruments, Proceedings, and Notices

consequent upon such Writs, shall be and the same are hereby authorized to be framed and expressed in such Manner and Form as may be necessary for carrying the Provisions of this Act into effect.

III. That the Act of the Third and Fourth *Victoria*, Chapter Eighty-one, be and the same is hereby repealed, and in every City or Town being a County of itself, and in every Borough, Town Corporate, Port, or Place, returning or contributing to return a Member or Members to serve in Parliament in *England* and *Wales*, the Officer to whom the Duty of giving Notice for the Election of such Member or Members belongs shall proceed to Election within Six Days after the Receipt of the Writ or Precept, giving Three clear Days Notice at least of the Day of Election, exclusive of the Day of Proclamation and the Day of Election.¹

IV. At any Election of a Member or Members to serve in Parliament for either of the Universities of *Oxford* and *Cambridge* the Polling shall not continue for more than Five Days at the most, *Sunday, Christmas Day, Good Friday, and Ascension Day* being excluded.

V. At every such Election the Vice Chancellor shall have Power to appoint any Number of Polling Places not exceeding Three, in addition to the House of Convocation or Senate House, and to direct at which of such Polling Places the Members of Convocation and of the Senate according to their Colleges shall vote, and also to appoint any Number of Pro Vice Chancellors, any one of whom may receive the Votes and decide upon all Questions during the Absence of such Vice Chancellor; and such Vice Chancellor shall have Power to appoint any Number of Poll Clerks and other Officers, by One or more of whom the Votes shall be entered in such Number of Poll Books as shall be judged necessary by such Vice Chancellor.

¹ Section 3 is repealed by the Ballot Act, 1872 (35 & 36 Vict. c. 33) s. 3a (*infra*).

16° & 17° VICT. CAP. CXXXVII.

A. D. 1853. An Act for the better Administration of Charitable Trusts. [20th August 1853.]

[This Act, 'The Charitable Trusts Act, 1853,' provided for the permanent appointment of Charity Commissioners, and conferred powers upon them.]

Exemptions from the Operation of Act.

LXII. This Act shall not extend to the Universities of *Oxford, Cambridge, London, or Durham*, or any College or Hall in the said Universities of *Oxford, Cambridge, and Durham*, . . .¹

16° VICT. Cap. xxiii.

An Act for supplying the Inhabitants of the University and Borough of *Cambridge* and other Places adjoining thereto with Water.

[14th June 1853.]

[By section 4 a Company is incorporated by the name of 'The *Cambridge* University and Town Waterworks Company'.]

First Directors.

XII. That *William Whewell* Doctor in Divinity, *Richard Okes* Doctor in Divinity, *George Elwes Corrie* Doctor in Divinity, the Reverend *John Fenwick* Clerk, the Reverend *William Bonner Hopkins* Clerk, *Rowland Morris Fawcett*, *Elliot Smith*, *Joseph Wentworth*, *William Warren*, and *Henry Hazard* shall be the first Directors of the Company.

Provision as to Spiritual Persons being Directors.

XIV. That inasmuch as the University of *Cambridge* is largely interested in the Execution of the undertaking by this Act authorized, and it is expedient that the Heads of Colleges, Halls, and Houses and the Bursars and resident Fellows of Colleges, Halls, and Houses in that University, should be empowered to participate in the Management

¹ This exemption was extended to Winchester and Eton Colleges by 18 & 19 Vict. c. 124. s. 49 (*infra*).

of the said Undertaking, notwithstanding that they may A. D. 1853.
 be Spiritual Persons ; therefore so much of any Act of Par-
 liament as prohibits any Spiritual Person holding any
 Cathedral Preferment, Benefice, Curacy, or Lectureship,
 or who shall be licensed or allowed to perform the Duties
 of any Ecclesiastical Office, from acting as a Director or
 Managing Partner of any Association or Copartnership,
 or from carrying on any Trade or Dealing in Person, shall
 not (so far as regards the Directors named in this Act, or
 any Directors or Managing Partners of the Company who
 may hereafter be elected or appointed,) extend or apply
 to any Heads of Colleges, Halls, or Houses, or Bursars or
 Resident Fellows of Colleges, Halls, or Houses in the said
 University : Provided always, that if any of the aforesaid
 Spiritual Persons being Directors or Managing Partners of
 the Company shall cease to be the Head of a College,
 Hall, or House, or a Resident Fellow of any such College,
 Hall, or House in the said University, he shall thereupon
 become disqualified and incompetent to act as a Director
 or Managing Partner, and shall cease to be a Director of
 the Company.

XXIV. And whereas the said University and Borough
 now have a gratuitous Supply of Water from a Place
 called the *Nine Wells* in the Parish of *Great Shelford* in
 the County of *Cambridge*, and under the *Cambridge Im-*
 provement Acts the Commissioners acting in execution
 of such Acts have certain Powers with respect to such
 Supply, and it is alleged by the said Commissioners that
 such Supply will be prejudicially affected by the Works
 by this Act authorized : Therefore if it shall at any Time
 appear to the said Commissioners that such Supply has
 been diminished by or in consequence of the Construction
 of such Works, then the said Commissioners may give
 Notice thereof to the said Company by Writing under the
 Hands of Five or more of such Commissioners, or under
 the Hand of their Clerk for the Time being, left at the
 principal Office or Place of Business of the Company ;

For Pro-
 tection of
 present
 gratuitous
 Supply to
 University
 and
 Borough.

Cap. xxiii. ' *The Cambridge University and [16 & 17 VICT.
Town Waterworks Act, 1853.*

A. D. 1853. and if after the Delivery of such Notice the said Company and the Commissioners shall not agree upon the Fact of such Supply having been diminished as aforesaid, and as to the Mode of compensating for such Deficiency by an equivalent gratuitous Supply of Water by the said Company, the said Matter shall be deemed a Dispute to be settled by Arbitration within the Intent and Meaning of "The Companies Clauses Consolidation Act, 1845", and the Matter in dispute shall be settled in the Manner prescribed by that Act with respect to the Settlement of Disputes by Arbitration.¹

Saving
Rights of
the Uni-
versity
of Cam-
bridge.

L. That neither this Act nor the Acts incorporated therewith² shall be construed to alter or affect the Rights or Privileges, Duties or Liabilities, of the Chancellor, Masters, and Scholars of the University of *Cambridge* as by law possessed under the Charters of the said University or otherwise.

16^o & 17^o VICT. *Cap. lxi.*

An Act to consolidate and amend Three several Acts passed in the Reign of King *George* the Third, for draining and preserving certain Fen Lands and Low Grounds lying in the *South Level*, Part of the Great Level of the Fens commonly called *Bedford Level*, and in the County of *Cambridge*, between the River *Cam* otherwise *Grant*, West, and the Hard Lands of *Bottisham*, *Swaffham-Bulbeck*, and *Swaffham-Prior*, East; and for other Purposes therein mentioned.

[28th June 1853.]

¹ See further as to this water supply (*supra*) 28 Geo. 3. c. 64. s. 101, 47 Geo. 3. Sess. 2. c. 60. s. 31, 52 Geo. 3. c. 141. ss. 43, 44, 4 & 5 Will. 4. c. 3. ss. 23-27, and 7 & 8 Vict. c. lxii. ss. 189, 190.

² The Companies Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 16), the Lands Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 18), and the Waterworks Clauses Act, 1847 (10 & 11 Vict. c. 17) are incorporated by s. 1.

[Section 2 repeals 7 Geo. 3. c. 53, 19 Geo. 3. c. 34, and A. D. 1853.
59 Geo. 3. c. lxxviii (*supra*).

Section 15 appoints the lords and ladies of certain manors or their deputies, 'an Agent appointed by the Dean and Chapter of *Ely*, under their Common Seal, being either One of their own Body or the Owner of Thirty Acres of Land liable to be taxed by virtue of this Act, the Bursar for the Time being of the College of *Saint John the Evangelist*, and One of the Three Bursars for the Time being of *King's College*, appointed under the Common Seal of the said College, and also the Bursar for the Time being of *Downing College*, all in the University of *Cambridge*,' representative owners from certain parishes, and other persons to be elected as directed by the Act, Commissioners for executing the Act.]

16° & 17° VICT. Cap. 17.

An Act to enable the Master or Keeper, Fellows, and Scholars of *Jesus College* in the University of *Cambridge* to alter and vary the Mode of dealing with the Benefaction of Doctor *Edmund Proby* and Sir *Thomas Proby*, and to appropriate the same for the Benefit of the said College in erecting and providing Parsonage Houses for Livings belonging to the said College, and in augmenting such Livings, and for other Purposes, including the Repeal of existing Legislative Enactments relating to the said Benefaction.

[15th August 1853.]

[The Preamble recites the Will and codicil of Dr. Proby and the Acts 3 Geo. 3. c. 36 (*supra*) and 2 & 3 Will. 4. c. 43 (*supra*), and further recites that the Vicarages of Swavesey and Guilden-Morden had been augmented

A. D. 1853.

out of income but not by permanent endowment (not having been able to find convenient purchases of land) to £400 a year and £350 a year respectively, and a sum of £7122 8s. 0d. had been accumulated; that of the livings in the gift of the College the Vicarages of Whittlesford, Hinxton, Comberton, All Saints, and St. Clements alone are tenable with Fellowships; that the livings when augmented as directed by 2 & 3 Will. 4. c. 43 will not be of sufficient value to induce fellows to accept the same partly by reason of the statutory provisions in force relating to benefices having no fit houses of residence.

The Act repeals 2 & 3 Will. 4. c. 43 and so much of 3 Geo. 3. c. 36 as was not repealed by 2 & 3 Will. 4. c. 43, provides that acceptance of the livings of Harlton, Graveley, Elmstead, and Swavesey, shall vacate fellowships, confirms and continues the augmentations already made of Swavesey and Guilden-Morden, directs the accumulation of income, empowers the application of sums (not exceeding £1000 for any one benefice) in building, purchasing, rebuilding, or repairing parsonage houses for the Vicarages of Swavesey, Whittlesford, Guilden-Morden, Hinxton, Comberton, Fordham, and St. Clement's, in such order as the College may deem expedient, and authorizes the augmentation of all the College livings to an annual value of £500 a year exclusive of surplice fees, making certain regulations as to the order and manner in which the above powers may be exercised. After the above purposes have been satisfied the fund is to be applied in the purchase of advowsons as directed by Dr. Proby's will. The fellowship of every fellow who shall hold any of the Vicarages of Whittlesford, Guilden-Morden, Hinxton, Comberton, All Saints, and St. Clements not having been presented and instituted before the passing of the Act, after they have been augmented to £350 a year, or any rectory or vicarage

16 & 17 VICT.] *Jesus College, Proby Trust, Act* [Cap. 17
1853.

to be purchased out of the fund, ~~is~~ to be vacated within A. D. 1853.
• twelve months after the augmentation or the presenta-
tion and institution as the case may be.]

17° & 18° VICT. CAP. LXXXI.

An Act to make further Provision for the good A. D. 1854.
Government and Extension of the University of
Oxford, of the Colleges therein, and of the
College of *Saint Mary Winchester*.¹

[7th August 1854.]

WHEREAS it is expedient, for the Advancement of
Religion and Learning, to enlarge the Powers
of making and altering Statutes and Regulations now
possessed by the University of *Oxford* and the Colleges
thereof, and to make and enable to be made further Pro-
vision for the Government and for the Extension of the
said University, and for the Abrogation of Oaths now
taken therein, and otherwise for maintaining and improving
the Discipline and Studies and the good Government of
the said University of *Oxford* and the Colleges thereof:
Be it enacted by the Queen's most Excellent Majesty, by
and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows:

1. The several Persons herein-after named, (that is to say,) the Right Honourable *Dudley* Earl of *Harrowby*, the Right Honourable *Francis* Earl of *Ellesmere*, the Right Reverend Father in God *Charles Thomas* Lord Bishop of *Ripon*, the Honourable Sir *John Taylor Coleridge*, One of the Justices of the Court of Queen's Bench, the Very Reverend *George Henry Sacheverel Johnson* the Dean of *Wells*, Sir *John Wither Audry*,² late Chief Justice

Appoint-
ment of
Commis-
sioners.

¹ For short title of this Act, 'The Oxford University Act, 1854,' see 40 & 41
Vict. c. 48. s. 1 and Schedule (*infra*).

² *Sic*. The name should be *Awdry*.

A. D. 1854. of the Supreme Court of *Bombay*, and *George Cornewall Lewis* Esquire, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum.

Duration of Powers of Commissioners. II. The Powers hereby conferred on the Commissioners shall be in force until the First Day of *January* One thousand eight hundred and fifty-seven, and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and fifty-eight, and no longer.¹

Vacancy in Number of Commissioners. III. If any Vacancy occurs in the Number of such Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c. IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of *Oxford*, or of any College or Hall therein, the Production of any Documents or Accounts relating to such University, College, or Hall, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be pleadable in bar of any Authorities of the said Commissioners.

Constitution of the University. Establishment of Hebdomadal Council. V. Upon the Fourteenth Day of *Michaelmas* Term One thousand eight hundred and fifty-four, all Powers, Privileges, and Functions now possessed or exercised by the Hebdomadal Board of the said University shall cease, and upon the Fifteenth Day of the said *Michaelmas* Term One thousand eight hundred and fifty-four there shall be elected in manner herein-after mentioned a Council, which shall be called the Hebdomadal Council, to which shall be transferred immediately after the Election thereof all Powers, Privileges, and Functions now possessed

¹ The powers of the Commissioners were continued by 20 & 21 Vict. c. 25. s. 1 (*infra*) till the 1st of July, 1858, and like extension was given to the powers given to Colleges and other bodies or persons to be exercised during the continuance of the Commissioners' powers.

or exercised by the Hebdomadal Board of the said A. D. 1854. University.

VI. The Hebdomadal Council shall consist of the Chancellor, the Vice-Chancellor, the Proctors, Six Heads of Colleges or Halls, Six Professors of the University, and Six Members of Convocation of not less than Five Years standing, such Heads of Colleges or Halls, Professors, and Members of Convocation to be elected by the Congregation herein-after mentioned of the said University, and the Chancellor, or in his Absence the Vice-Chancellor or his Deputy, being a Member of the Hebdomadal Council, shall be the President of such Hebdomadal Council: Provided always, that nothing herein contained shall be held to prevent the Head of any College or Hall who is a Professor being returned or continuing to sit as One of the Six Professors, or the Head of any College or Hall, or a Professor, being returned or continuing to sit as One of the Six Members of Convocation; and if any Person shall be elected a Member of the Hebdomadal Council in Two or more Classes he shall, when he first takes his Seat in the Council, declare under which Class he desires to sit, and his Seat for the other shall be forthwith vacated.

Composition of Hebdomadal Council.

As to Heads of Colleges and Professors being returned or sitting as Professors, or Members of Convocation.

Persons elected in Two or more Classes to declare under which Class they will sit. Date of Meeting.

VII. The Hebdomadal Council shall meet for the Despatch of Business on the Fifteenth Day of *Michaelmas* Term One thousand eight hundred and fifty-four.

VIII. Of the Six Persons to be then elected together out of each of the Classes of Heads of Colleges or Halls, Professors, and Members of Convocation, the Three Juniors of each Class in Academical Standing, reckoned from Matriculation, shall vacate their Seats at the Expiration of the Third Year from such Day within the then current Academical Year as shall be named by the Hebdomadal Council in that Behalf; and all the other Persons to be then elected shall vacate their Seats at the Expiration of the Sixth Year from the said Day; and all other Persons elected from Time to Time, except such as shall be so elected upon casual Vacancies, shall vacate their Seats at the Expiration of Six Years; and the Election to supply

Periodical vacating of Seats.

A. D. 1854. the Places of the Persons so vacating their Seats shall be made upon the Day on which Seats are vacated.

Members may be re-elected. IX. All such Persons whatsoever shall be capable of Re-election.

Filling up of casual Vacancies. X. Any casual Vacancy occurring by Death, Resignation, or otherwise among such Persons shall be filled by the Election of a qualified Person, according to the Directions of this Act; but the Person so elected shall be subject to the same Rules and Conditions in all respects as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Vice-Chancellor to continue a Member. XI. If the Vice-Chancellor for the Time being shall not be also an elected Member of the said Council, then, on the Expiration of his Term of Office, he shall in virtue of his late Office continue to be a Member thereof until the next triennial Election, or for the Space of One Year if such Election shall take place at an earlier Period.

Professors eligible. XII. No Professor shall be ineligible for the said Council by reason of anything contained in the Statutes of his Foundation.

Non-residence to create a Vacancy. XIII. If any of the Members of the Hebdomadal Council other than the Chancellor of the University shall reside for less than Twenty-four Weeks during Term Time in any Year, his Seat shall at or before the Close of such Year be declared by the Vice-Chancellor and shall thereupon become vacant.

Vice-Chancellor to make Register of Congregation; also Regulations respecting Hebdomadal Council. XIV. The Vice-Chancellor shall, before the Twenty-fifth Day of *September* One thousand eight hundred and fifty-four, and before the same Day in each succeeding Year, make and promulgate a Register of the Persons qualified to the best of his Knowledge to be Members of the Congregation of the University of *Oxford* according to this Act, and shall also make and promulgate all such Regulations as to the said Register, and as to all Matters relating to the voting for, Election, Resignation, and Return of Members of the Hebdomadal Council, as may be necessary for the assembling together of the Congregation and for the Election and assembling together of the

said Hebdomadal Council according to this Act, and for A. D. 1854. keeping the Number of such Council complete, and shall appoint the Time of the Day and Place at which they shall so assemble together; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon carry the same into effect, and thereupon make such Regulations in respect of the Matters aforesaid as they may think fit; and no Persons shall be admitted to vote in the Election of Members of the Hebdomadal Council but those included in such Register, and mentioned or described in the Sixteenth Section and the Schedule therein referred to.

XV. Subject to the Provisions of this Act, and without Prejudice to the Rights of Congregation and Convocation in the making of Statutes for the University of *Oxford*, the Hebdomadal Council shall have Power to make, from Time to Time, Rules for the Regulation of its own Proceedings, and to revise the Regulations and Register herein-before directed to be made by the Vice-Chancellor. Power to Hebdomadal Council to make Rules for Regulation of its own Proceedings.

XVI. On and after the Fifteenth Day of *Michaelmas* Term One thousand eight hundred and fifty-four, the Congregation of the University of *Oxford* shall be composed of the following Persons only, the said Persons being Members of Convocation: Composition of Congregation.

1. The Chancellor.
2. The High Steward.
3. The Heads of Colleges and Halls.
4. The Canons of *Christ Church*.
5. The Proctors.
6. The Members of the Hebdomadal Council.
7. The Officers named in Schedule (A.) to this Act annexed.
8. The Professors.
9. Assistant or Deputy Professors.
10. The Public Examiners.
11. All Residents.
12. All such Persons as shall be provided to be added by Election or otherwise to the said Congregation

A. D. 1854.

by any Statute of the University approved by the Commissioners, or (after the Expiry of the Commission) passed by Licence of the Crown.

Power to Congregation to frame Regulations for its own Proceedings.

The Chancellor, or in his Absence the Vice-Chancellor or his Deputy, shall preside in the said Congregation, and the Congregation so constituted as aforesaid shall have Power to frame Regulations for the Order of its own Proceedings, but subject to any Statute which the University may make in respect thereof.

As to Promulgation of Statutes.

XVII. Every Statute framed by the Hebdomadal Council shall, after due Notice of the Contents thereof, be promulgated in Congregation, and shall also be proposed there for Acceptance or Rejection after an Interval of Seven Days, or such other Interval as the University by Statute may appoint, and if accepted by Congregation shall be, after an Interval of Fourteen Days, or such other Interval as the University by Statute may appoint, submitted to Convocation for final Adoption or Rejection as a Statute of the University.¹

Proposal of Amendments.

XVIII. Any Member of Congregation may, upon the Promulgation of any such Statute, propose, in Writing, Amendments thereof to the Hebdomadal Council, which the said Council shall consider, and thereupon may adopt, alter, or reject.

If Change made, Statute to be re-promulgated.

XIX. If after the Promulgation of a Statute the said Council shall make any Change in it, it shall thereupon be promulgated afresh in manner aforesaid.

Congregation may speak in English.

XX. The Members of Congregation shall upon the Occasion of the Promulgation of any Statute have the Right to speak thereon in the *English* Tongue, but without the Power of moving any Amendment, and subject to such Regulations as the University may make by Statute for the due Order of Debate.

As to Election of

XXI. Upon any Occasion of electing Members of the

¹ See as to irregularities in proposing statutes in Congregation under this section 32 & 33 Vict. c. 20 (*infra*). For further powers of making, altering, and repealing statutes, see 25 & 26 Vict. c. 26 (*infra*) and 28 & 29 Vict. c. 55 (*infra*).

Hebdomadal Council, every Person entitled to vote in such Election shall have the Power of giving Votes in each Class as follows: for One Vacancy, One Vote; for Two or Three Vacancies, Two Votes; for Four Vacancies, Three Votes; for Five or Six Vacancies, Four Votes: Provided always, that no Elector shall give more than One Vote for any One Candidate.

XXII. The Convocation of the University of *Oxford* shall not, save as herein provided, be deprived of any of the Powers by it now lawfully possessed.

XXIII. It shall be lawful for the University to provide by Statute, if it shall think fit, that Votes may be given either personally or by Proxies, being Members of Convocation authorized by Writing under the Hand of the Member of Convocation nominating such Proxy, at any Election of a Chancellor of the University.

XXIV. Every Oath directly or indirectly binding the Juror—

Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority;

To resist or not concur in any Change in the Statutes of the University or College;

To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Non-concurrence,

shall from the Time of the passing of this Act be an illegal Oath in the said University and the Colleges thereof, and no such Oath shall hereafter be administered or taken.

XXV. It shall be lawful for any Member of Convocation, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, to obtain a Licence from the Vice-Chancellor to open his Residence, if situate within One Mile and a Half of *Carfax*, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University without being of necessity entered as Members of any College or existing Hall; but no such Licence as aforesaid shall be granted by the Vice-

A. D. 1854. Chancellor until such Regulations as are herein-after mentioned have come into operation.

who shall
be called
Licensed
Masters.

XXVI. Every Person to whom such Licence is granted shall be called a Licensed Master, and his Residence so opened as aforesaid shall be called a Private Hall.

Power of
University
to make
Statutes.

XXVII. For the Purpose of carrying into effect the Objects proposed by this Act in relation to Private Halls, the University is hereby specially empowered, at any Time before the First Day of *Michaelmas* Term One thousand eight hundred and fifty-five, by Statute, to be approved as herein-after mentioned, to do the following Things :

To fix the Terms and Conditions of granting Licences to Licensed Masters, and the Qualifications of such Masters :

To make Regulations for the Government of Private Halls, the Instruction and Discipline of the Students therein, their Attendance on Divine Worship, and their Status in the event of the Withdrawal or Suspension of the Licence of any such Private Hall :

To make Provision for punishing Neglect or Breach of Regulation on the Part of a Licensed Master by the Withdrawal or Suspension of his Licence, and on the Part of any Students by such reasonable Penalties or other Punishments as they may think fit.

To make Provision for the Aggregation of all or any Private Halls, with the Consent of the Masters thereof, into One or more Great Halls of the University :

To make Provision for the Appointment of One or more Officers for the due Execution of any Regulation relating to the aforesaid Matters, and, if considered expedient, for the Appointment of any such Officer Head of any such Great Hall for the better Accomplishment of the said Purpose :

To fix the Conditions upon which a Private Hall of the University may become an ordinary or Public Hall thereof.

Colleges
may amend
Statutes

XXVIII. And whereas it is expedient, for the Interests of Religion and Learning, to enable Colleges to alter and

amend their Statutes with respect to Eligibility to Headships, Fellowships, and other College Emoluments, and the Tenure thereof, and to ensure the same being conferred according to personal Merits and Fitness, and for that Purpose to modify or abolish any Preference, and to make Ordinances for promoting the main Designs of the Founders and Donors, and in the Case of some of the Colleges for rendering Portions of their Property or Income available to Purposes for the Benefit of the University at large, for the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships attached to Schools into Scholarships or Exhibitions so attached, and of Fellowships otherwise limited into Scholarships or Exhibitions, either subject or not to any similar or modified Limitation, and generally to make further Provision for maintaining and improving the Discipline, Studies, and good Government of the said Colleges, and for amending, with the Consent of the Visitor, the Statutes thereof from Time to Time: Be it enacted, That it shall be lawful for every College, at any Time before the First Day of *Michaelmas* Term One thousand eight hundred and fifty-five, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment of any College, to make Regulations and Ordinances for the Purpose of effecting or advancing any of the aforesaid Objects and Purposes: Provided always, that all such Regulations and Ordinances shall be laid before the Commissioners, who shall have Power, by Writing under their Common Seal, to approve of or reject the same, and may from Time to Time remit the same for further Consideration or Revision, with Amendments or Alterations therein.¹

XXIX. Provided always, That if the Powers hereinbefore granted to Colleges shall in the Case of any College not be exercised, and no Ordinance or Regulation for effecting the Objects of such Powers shall be submitted by

A. D. 1854.
with respect to Eligibility to Headships, &c.
When Colleges omit to make Statute, Commissioners

¹ See as to the powers under this section 19 & 20 Vict. c. 31 s. 2 (*infra*).

A. D. 1854. such College to the Commissioners, and approved of by
 may frame them, before the First Day of *Michaelmas* Term One
 Ordi- thousand eight hundred and fifty-five, it shall be lawful for
 nances. the Commissioners to frame such Ordinances and Regula-
 tions as shall appear to them to be necessary or expedient
 for the Purpose of effecting or promoting the Objects
 which the College is herein-before empowered to effect or
 promote; and such Ordinances and Regulations, if sanc-
 tioned and confirmed as herein-after required, shall take
 effect as Statutes of such College, notwithstanding any-
 thing contained in the Statutes, Charters, Deeds of
 Composition, or other Instruments of Foundation or
 Endowment thereof: Provided always, that such Ordi-
 nances and Regulations, when properly settled by the
 Commissioners, shall be laid before the College to which
 the same relate, and the Visitor thereof, Two Calendar
 Months before the same are submitted to Her Majesty in
 Council, as herein-after directed; and if within the said
 Period of Two Calendar Months Two Thirds of the
 Governing Body of the said College shall by Writing
 under their Hand and Seal declare that in their Opinion
 such Ordinances and Regulations will be prejudicial to
 the said College as a Place of Learning and Education,
 then the same shall not take effect, but it shall be lawful
 for the Commissioners to frame and submit other Rules
 and Regulations for the like Purpose to the said College,
 and so on as often as Occasion shall require.¹

Power of
 University
 to alter
 Trusts.

XXX. And further, if in the Case of any Gift or Endow-
 ment held by the University which has taken effect for
 more than Fifty Years, it shall appear to the said Univer-
 sity that the Interests of Religion and Learning, and the
 main Design of the Donor, may be better advanced by an
 Alteration of the Trusts or Directions affecting such Gift
 or Endowment, it shall be lawful for the University to
 alter or modify such Trusts or Directions, and to frame
 a new Statute for the Application of such Gift or Endow-
 ment in such Manner as may better advance the Purposes

¹ See as to the powers under this section 19 & 20 Vict. c. 31. s. 1 (*infra*).

aforesaid ; but no such Statute shall take effect until the same shall have been assented to by the Commissioners under their Seal, and shall also have received the Approbation of Her Majesty, to be signified by an Order in Council. A.D. 1854.

XXXI. If in the Execution of the Powers of this Act it shall be proposed by any College, or by the Commissioners, to make any Regulation or Ordinance for the Abolition of any Right of Preference, in Elections to any Emolument within any College now lawfully belonging to and enjoyed by any School or other Place of Education beyond the Precincts of the University, individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853,"¹ at least Two Calendar Months before any final Resolution for that Purpose shall be adopted by such College or by the Commissioners ; and in Cases where it is proposed by such Regulation or Ordinance to abolish any Right of Preference in Elections to any Emolument other than a Fellowship or Studentship, no such Regulation or Ordinance shall be made if within Two Calendar Months after receiving such Notice Two Thirds of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then Two Thirds of the aggregate Body composed of the several Governing Bodies of such Schools, or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their Opinion that such Regulation or Ordinance would be prejudicial to such School or Place of Education as a Place of Learning and Education : Provided always, nevertheless, that every such Right of Preference, when retained, shall be subject to all such Regulations and Ordinances as may be made by any College, or by the Commissioners, under the Powers given by this Act, for the Purpose of making such Emolument more conducive

Right of Preference belonging to Schools not to be abolished if Governors of Schools or Charity Commissioners dissent therefrom.

¹ 16 & 17 Vict. c. 137 (*supra*).

A. D. 1854. to the mutual Benefit of such College and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place of Education so entitled as aforesaid: Provided also, that where any such Governing Body as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships or Studentships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships or Studentships into Elder and Younger, the Elder only shall be taken to be Fellowships or Studentships within the Meaning of this Section.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body.

XXXII. Provided always, That where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education, for all the Purposes of this Act.

Ordinances and Regulations objected to by Governing Body of College, &c. to be laid before Parliament.

XXXIII. Provided always, That all Ordinances and Regulations framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School or Schools, to which the same respectively relate, shall, in all Cases where new Ordinances and Regulations shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of

Her Majesty's Principal Secretaries of State, and laid before A. D. 1854. the Two Houses of Parliament.

XXXIV. The College of *Saint Mary of Winchester* near *Winchester* shall for the Purposes of this Act be subject to the Provisions of this Act with respect to Colleges, and shall have the same or the like Powers as are hereby given to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, in like Manner as is hereby provided with respect to the Colleges of the University, but without Prejudice to the Powers and Authorities, if any, of the Commissioners under "The Charitable Trusts Act, 1853."¹

College of St. Mary of Winchester to be subject to this Act.

XXXV. All Regulations and Ordinances which, under the Power herein-before contained, shall be made by any College, and be approved of by the Commissioners, and all Ordinances and Regulations which shall be framed by the Commissioners, and shall not be objected to as aforesaid by Two Thirds of the Governing Body of the College to which the same relate, and every Statute passed by the University under the Power lastly herein-before contained, shall, after the Expiration of Two Calendar Months from the Time when the same respectively shall have been approved of by the Commissioners, or submitted to the College, or passed by the University, be laid before Her Majesty in Council, and forthwith published in the *London Gazette*; and it shall be lawful for every College, and for the Visitor thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for any other Person directly affected by such Regulations, Ordinances, or Statute, within One Month after the Publication as aforesaid in the *London Gazette*, to petition Her Majesty in Council against the Approbation thereof or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration

Ordinances, Regulations, and Statutes to be laid before the Queen in Council.

Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.

¹ Winchester College was by 18 & 19 Vict. c. 124. s. 49 (*infra*) exempted from the operation of the Charitable Trusts Act, 1853 (16 & 17 Vict. c. 137) (*supra*).

A. D. 1854. and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Regulations, Ordinances, and Statutes to be laid before Parliament.

XXXVI. All Regulations, Ordinances, and Statutes which shall be so published in the *London Gazette* as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament; and, unless an Address is within Forty Days presented by One or other of the said Houses, praying Her Majesty to withhold her Consent from such Regulations, Ordinances, or Statute, or any Parts thereof, or unless the same shall be rejected on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Regulations, Ordinances, and Statute respectively, or any Parts thereof to which such Address shall not relate, and the same shall thereupon become Statutes of the University of *Oxford*, or of the College therein to which the same respectively relate; and if any such Regulations or Ordinances or Statute, or any Part thereof, shall not be so approved by Her Majesty, then the Commissioners may thereupon proceed to frame other Regulations or Ordinances or Statute in the Matter, and so on from Time to Time as often as Occasion shall require.¹

Powers granted to Colleges granted to University as to Halls and Private Halls.

If University omit to frame

XXXVII. The Powers herein-before granted to Colleges with respect to themselves severally are hereby granted to the University in relation to Halls and Private Halls, so far as they may be applicable thereto, subject to the like Confirmation by the Commissioners, but such Powers shall cease on the First Day of *Michaelmas* Term One thousand eight hundred and fifty-five; and if the said University shall not by that Day have framed and submitted, for the

¹ See as to regulations, ordinances, and Statutes made under this section 19 & 20 Vict. c. 31. s. 6 (*infra*).

Approval of the Commissioners, such Statutes or Ordinances as may, in the Opinion of the Commissioners, be sufficient for carrying into effect the Objects of this Act with respect to existing Halls and the Establishment and Regulation of Private Halls, it shall be incumbent on the Commissioners, as soon as possible after such Day as aforesaid, to proceed themselves to frame Statutes in respect of any Matters or Things so left undone or imperfect by the said University, and such Statutes shall be laid before Her Majesty in Council, and shall be subject to all the Provisions hereinbefore contained touching such other Regulations, Ordinances, and Statutes as aforesaid.¹

XXXVIII. In giving effect to their Powers or any of them with respect to Colleges and Halls, the Commissioners shall have regard, among other things, to making due Provision, firstly, for the Wants and Improvement of the College or Hall, and the Advancement of Religion and Learning among its own Members, and, secondly, for Aid towards the Establishment of the Professoriate of the said University on an enlarged Basis in the several main Branches of Science and Letters, and with adequate Duties and Emoluments, by appropriating Portions of the divisible Revenues of any College for that Purpose, in Cases where the Founder of the College hath directed Lectures to be delivered for the Benefit of the University, or where it shall appear to the Commissioners that the College is well able to make such Provision.

XXXIX. Every Statute made by the University of *Oxford*, or by any of the Colleges thereof, by virtue of the Powers of this Act, shall be subject to Repeal or Alteration in the same Manner and to the same Extent, but not otherwise, in and to which other Statutes of the said University, or College, as the Case may be, are or may be subject to Repeal or Alteration by the Authorities thereof.

XL. Every Statute made by the Commissioners in pursuance of the Provisions of this Act, and likewise all Provisions hereinbefore contained, respecting the Election, subject to Repeal, &c.

¹ See as to the powers under this section 19 & 20 Vict. c. 31. s. 1 (*infra*).

A. D. 1854. Constitution, Powers, and Proceedings of the Hebdomadal Council, and respecting the Constitution, Powers, and Proceedings of the Congregation, shall be subject to Repeal and Alteration by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Christ
Church
deemed a
College.

XLI. For the Purposes of this Act, the Cathedral or House of *Christ Church* in *Oxford* shall be considered to be to all Intents and Purposes a College of the University.

Persons
becoming
Members
not to pos-
sess vested
Interests.

XLII. No Person who, after the passing of this Act, shall become a Member of any College, or shall be elected or become eligible to any University or Collegiate Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Not neces-
sary to
make Dec-
laration or
take an
Oath on
matricu-
lating ;

XLIII. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-four, it shall not be necessary for any Person, upon matriculating in the University of *Oxford*, to make or subscribe any Declaration, or to take any Oath, any Law or Statute to the contrary notwithstanding.

nor on
taking a
Degree.

XLIV. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-four, it shall not be necessary for any Person, upon taking the Degree of Bachelor in Arts, Law, Medicine, or Music in the University of *Oxford*, to make or subscribe any Declaration, or take any Oath, any Law or Statute to the contrary notwithstanding ; but such Degree shall not as such constitute any Qualification for the holding of any Office which has been heretofore always held by a Member of the United Church of *England* and *Ireland*, and for which such Degree in the said University has heretofore constituted One of the Qualifications, unless the Person obtaining such Degree shall have taken such Oaths and subscribed such Declarations as are now by Law required to be made and taken on obtaining such Degree, either at the Time of taking such Degree or subsequently.¹

University
Court to be

XLV. From and after the passing of this Act, the Court

¹ Tests were abolished for all degrees, except in divinity, by 34 & 35 Vict. c. 26 (*infra*).

of the Vice-Chancellor of *Oxford* shall in all Matters of A. D. 1854
 Law be governed by the Common and Statute Law of the subject to
 Realm, and not by the Rules of the Civil Law; and it shall the Rules
 be lawful for any Three of the Judges of the Superior of the
 Courts to make such Rules as they may deem fit for the Common
 Regulation of the Procedure of the said Court; and the said Law.
 Court shall proceed in all Matters subject to the said Rules
 in conformity with the Mode of Procedure established in the
 County Courts.¹

XLVI. The Stamp Duties now payable on Matriculations Stamp
 and Degrees shall be abolished so soon as Provision shall Duties
 have been made by the University, to the Satisfaction of abolished.
 the Lords Commissioners of Her Majesty's Treasury, in lieu
 of the Monies heretofore voted annually by Parliament.²

XLVII. Except in so far as they are expressly altered Powers of
 or taken away by the Provisions of this Act, the Powers University
 and Privileges of the University and its Officers, and of the to continue
 Colleges and their Officers, shall continue in full Force. in force,
 except as
 altered by
 this Act.

XLVIII. In the Construction of this Act, the Expression Interpretation
 "University or College Emolument" shall include all of
 Fellowships, Studentships, Scholarships, Exhibitions, Demy-
 ships, Postmasterships, Taberdarships, Bible Clerkships,
 Servitorships, and every other such Place of Emolument
 payable out of the Revenues of the University, or of any
 College, or to be held and enjoyed by the Members of any
 College or Hall as such within the University³; the Word
 "Scholarship" shall include the Bursaries appropriated to
 any College in *Scotland*; and the Word "School" shall
 include Colleges in *Scotland*; and the Words "Professor"
 and "Professorship" shall be taken to include respectively
 Public Readers, Prælectors, and their several Offices; and
 the Words "Public Examiner" shall be taken to include
 Moderators and Masters of the Schools; and the Word
 "Hall" shall be taken to mean all Halls other than affiliated

¹ This section was repealed and other provision made for regulating the
 procedure of the Vice-Chancellor's Court by 25 & 26 Vict. c. 26. s. 12 (*infra*).

² See 18 & 19 Vict. c. 36 (*infra*).

³ See 19 & 20 Vict. c. 31. s. 3 (*infra*) as to Canonries of Christ Church, and
 23 & 24 Vict. c. 91. s. 1 as to the Craven Scholarships.

A. D. 1854. Halls or such Private Halls as are authorized by this Act; and the Governing Body of any College shall mean and include the Head and all actual Fellows thereof, being Graduates, but in the Case of *Christ Church* shall mean the Dean and Canons thereof; and the Word "Residents" shall mean and include all Members of Convocation who shall have resided Twenty Weeks within One Mile and a Half of *Carfax* during the Year that shall expire on the First Day of *September* next preceding the making and Promulgation of the Register as directed by the Fourteenth Section of this Act.

SCHEDULE A.

Deputy Steward.

Public Orator.

Keeper of the Archives.

Assessor of the Vice-Chancellor's Court.

Registrar of the University.

Counsel to the University.

Bodley's Librarian.

Radcliffe Librarian.

Radcliffe Observer.

Librarians and Sub-Librarians of	} If authorized for the Purposes of this Schedule by Statute of the University.
University Libraries.	
Keepers of University Museums and Repositories of Art or Science.	

17^o & 18^o VICT. CAP. LXXXIV.

An Act to extend the Provisions of the Acts for the Augmentation of Benefices.

[10th August 1854.]

[The Preamble recites 29 Car. 2. c. 8, 1 & 2 Will. 4. c. 45 (*supra*), and 1 & 2 Vict. c. 107. s. 14, whereby powers were given to augment livings.¹

Sections 1-3 extend the powers of incumbents to make annexations grants in augmentation with consent of

¹ For other provisions as to augmentation of benefices, see note to 1 & 2 Will. 4. c. 45 (*supra*).

the archbishop or bishop of the diocese and the patron.] A. D. 1854.

IV. In every Case in which any Land subject to any Lease shall be annexed to any Church or Chapel, in pursuance of the Power herein-before in that Behalf contained, the Provisions of the Thirteenth Section of the said Act of the First and Second Years of King *William* the Fourth, Chapter Forty-five, shall apply to such Land in the same Manner as if such Provisions were herein expressly set forth; and in every Case in which any Rectory Improprate, Tithes or Portions of Tithes, Lands, Tenements, or other Hereditaments, have been or shall be annexed to any Church or Chapel, in pursuance of any Power contained in the said Act of the First and Second Years of King *William* the Fourth, Chapter Forty-five, or in this Act, and the Premises so annexed shall be comprised together with other Hereditaments in any Lease, the Incumbent for the Time being of the said Church or Chapel shall as to the Premises so annexed, and the Person, Corporation, or Body Politic by whom such Annexation shall have been made, and his or their Successors and Assigns, shall as to the said other Hereditaments, have the same Rights and Remedies for enforcing Payment of the Proportion of Rent payable to them respectively, and otherwise have the same Rights and Remedies under and by virtue of the Covenants, Provisoos, and Agreements contained in the said Lease as if the said Premises so annexed or the said other Hereditaments, as the Case may be, were the only Hereditaments comprised in the said Lease.

V. Where any Rent or annual Sum of Money granted, reserved, or made payable, or to be granted, reserved or made payable, under any of the Powers of the said herein-before mentioned Acts or of this Act, to the Incumbent of any Church or Chapel, is or shall be granted, reserved, or made payable out of or charged upon any Rectory Improprate, Tithes, annual Revenues, Lands, Tenements, or other Hereditaments, it shall be lawful for the Incumbent for the Time being of the said Church or Chapel, by a Deed duly

Section 13.
of 1 & 2
W. 4. c. 45.
to extend
to Annexa-
tions under
this Act.

Rectories
Improprate,
Tithes, &c.,
may be
released
from Rent-
charges,
with the
Consent of
Arch-
bishop, &c.

A. D. 1854. executed by him, to release any such Rectory Improprite, or any of the said Tithes or annual Revenues, Lands, Tenements, or other Hereditaments respectively, or any 'Part thereof respectively, from the said Rent or annual Sum, and the Premises so released shall be thenceforth wholly discharged from the said Rent or annual Sum, and from all Remedies for recovering and compelling Payment thereof, but without in anywise discharging therefrom respectively any Rectory Improprite, Tithes, and Revenues, Lands, Tenements, or Hereditaments, theretofore charged with the said Rent or annual Sum, and not by the said Deed expressed to be released, or the Person or Persons, Corporation or Body Politic, for the Time being liable for the Payment of the said Rent or annual Sum: Provided always, that every such Release shall be made with the Consent of the Archbishop or Bishop of the Diocese within which the said Church or Chapel shall be situate, and also with the Consent of the Patron or Patrons of the said Church or Chapel, such Consents to be signified by the Archbishop or Bishop and the said Patron or Patrons respectively executing the Instrument by which the Release shall be made: Provided also, that no Consent of any Archbishop or Bishop shall be given to any such Release as aforesaid unless some Rectory Improprite, Tithes, or other Revenues, Lands, Tenements, or other Hereditaments, theretofore charged with the said Rent or annual Sum, shall remain unreleased, and be proved to the Satisfaction of the said Archbishop or Bishop to be a competent Security for the same, and be expressed to be so proved in the Instrument by which such Consent shall be signified.

- [Section 6 defines 'patron or patrons' of a Benefice, Church, or Chapel for the purposes of this Act and of 1 & 2 Will. 4. c. 45 (*supra*), in cases where he is not defined by the last-mentioned Act, as 'the Person or Persons who, if the said Benefice, or Church, or Chapel were then vacant, would be entitled to present or nominate or to collate thereto'.

Section 7 provides that the Act is to be read as part of A. D. 1854.

1 & 2 Will. 4. c. 45 (*supra*).

Section 8 extends the power conferred by 3 & 4 Vict. c. 113. s. 74 (*supra*) of apportioning the income of benefices belonging to the same patron.]

17^o & 18^o VICT. *Cap.* ccxix.

An Act to repeal an "Act for better regulating the Poor within the City of *Oxford*," and to grant further and more effectual Powers in lieu thereof, and also to provide for rating to the Relief of the Poor certain Hereditaments within the University of *Oxford*.¹ [7th August 1854.]

WHEREAS by a certain Act of Parliament made and passed in the Eleventh Year of the Reign of King *George* the Third, intituled *An Act for better regulating the Poor within the City of Oxford*, certain Provisions were made for the Maintenance, Support, Regulation, and Employment of the Poor of several Parishes in the City of *Oxford*, (that is to say,) the Parish of *All Saints*, the Parish of *Saint Aldate* (with the Liberty of *Grandpont* in the County of *Berks*), the Parish of *Saint Ebbe*, the Parish of *Holywell* (otherwise called *Saint Cross*), the Parish of *Saint Martin*, the Parish of *Saint Mary Magdalen*, the Parish of *Saint Mary the Virgin*, the Parish of *Saint Michael*, the Parish of *Saint Peter le Bailey*, the Parish of *Saint Peter in the East*, and the Parish of *Saint Thomas*, under One Board of Guardians, consisting of the Mayor, Recorder, Aldermen, Assistants, Town Clerk, and Solicitor of the said City for the Time being, and also of certain Guardians elected by the Ratepayers of the said several Parishes in Vestry

¹ This Act was amended, and sections 29, 30, and 37 repealed by the Local Government Board Order of the 14th of June, 1875, confirmed by 38 & 39 Vict. c. clxviii (*infra*). Further amendments were made by the Oxford (Poor Law) Orders No. 1 and No. 2 of the 9th of May, 1903, confirmed by 3 Ed. 7. c. lxxvi (*infra*).

² This marginal reference is incorrect; the Act intended is 11 Geo. 3. c. 14.

A. D. 1854. assembled, and which said Guardians were thereby incorporated by the Name of "The Guardians of the Poor within the City of *Oxford*": And whereas the said several Parishes have ever since been united for the Relief and Maintenance of their Poor, and the Poor thereof have been and are maintained, supported, regulated, and employed under and by virtue of the Provisions of the said Act: And whereas the said Act does not contain any Provisions for the Assessment of the University of *Oxford* in respect of the Colleges and Halls or other Property of the said University to the Poor Rates authorized to be levied thereby, and the Members of the said University form a distinct and separate Body, possessing many special Rights and Privileges, and particularly the Privilege that in Cases of Taxation they shall be assessed by their own Officers, and not by the City: And whereas the ancient Sites of the several Colleges and Halls in the University have been reputed to be extra-parochial, and have hitherto been exempt from Rates for the Relief of the Poor; but Doubts have for some Time past existed as to the Validity of such Exemption, and Disputes have arisen between the said University and the said Guardians respecting the same: And whereas, for putting an end to such Disputes, it is agreed, by and between the Chancellor, Masters, and Scholars of the said University on behalf of themselves and of the Colleges and Halls herein-after mentioned, (that is to say,) the Colleges of *All Souls, Balliol, Brasenose, Exeter, Jesus, Lincoln, New, Oriel* (in respect of such Part thereof as is comprised within the Perambulations of the Parish of *Saint Mary the Virgin*), *Pembroke, Queen's, Saint John Baptist* (in respect of such Part thereof as is comprised within the Perambulations of the Parish of *Saint Mary Magdalen*), *Saint Mary Magdalen, Trinity, University, Wadham, and Worcester*, and the Halls of *New Inn, Saint Edmund, Saint Mary, and Saint Mary Magdalene*, of the one Part, and the Mayor, Aldermen, and Citizens of the City of *Oxford*, and the said several Parishes, by their present Guardians, of the other Part, that the Board of Guardians for the said Union shall

hereafter consist of the whole Number of Guardians to be A. D. 1854.
 elected by or on behalf of each of the Parties aforesaid, in
 certain Proportions herein-after mentioned ; and it is further
 agreed by the Parties aforesaid, that the rateable Property
 in the said University and in the said Colleges and Halls
 shall hereafter be rated to the Relief, Maintenance, and
 Employment of the Poor of the said Union: And whereas
 it is further agreed between the said Parties, that for the
 Purpose of carrying the said Agreement into effect it is
 deemed expedient that the said recited Act should be re-
 pealed, and other Provisions made instead thereof: Be it
 therefore enacted by the Queen's most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual
 and Temporal, and Commons, in this present Parliament
 assembled, and by the Authority of the same,

I. That the said recited Act shall from and after the Recited
Act re-
pealed.
 Day on which this Act shall pass into a Law be and the
 same is hereby repealed.

II. That hereafter there shall be elected for the City of Election of
Guardians
of the
Poor.
Oxford, the several Parishes herein-before mentioned, and
 for the said University of *Oxford*, and for the said Colleges
 and Halls therein, in manner herein-after mentioned, Thirty-
 three Guardians of the Poor ; (that is to say,) Eleven Guar-
 dians for the said City, who shall consist of the Mayor for
 the Time being and the Ten Aldermen of the said City for
 the Time being¹; Eleven Guardians for the said Parishes,
 One to be elected by each Parish ; Three Guardians for the
 said University, consisting of the Vice-Chancellor for the
 Time being, and Two other Members of the said University,
 being Graduates thereof; and Eight Guardians to be
 elected by the said Colleges and Halls; provided neverthe-
 less, that whenever the Mayor for the Time being shall be
 One of the said Aldermen it shall be lawful for the Council
 of the said City to elect a Member thereof for such Period

¹ By Art. XXVII of the Oxford Order, 1889, confirmed by 52 & 53 Vict.
 c. xv (*infra*), this section is amended by substituting for the words 'the Ten
 Aldermen of the said City for the Time being' the words 'any ten Aldermen
 of the City representing the Citizens for the time being chosen by the Council
 of the City'.

A. D. 1854. as the said Mayor shall continue in Office, in order to make up the Eleven Guardians for the said City.

Guardians
for the Col-
leges and
Halls, how
elected.

III. That with respect to the Election of Guardians for the Colleges and Halls in the said University, it shall be lawful for the Governor or Head and Senior Bursar of each of the following Colleges, (that is to say,) the College of *All Souls, Balliol, Brasenose, Exeter, Jesus, Lincoln, New, Oriel, Pembroke, Queen's, Saint John Baptist, Saint Mary Magdalen, Trinity, University, Wadham, and Worcester* Colleges, and for the Governor or Head of each of the following Halls in the said University, (that is to say,) *New Inn, Saint Edmund, Saint Mary, and Saint Mary Magdalen* Halls, to meet together in such Place as the Vice-Chancellor of the said University shall for that Purpose appoint on the Third *Thursday* after the passing of this Act, or as soon after as conveniently may be, and the major Part of the Persons assembled for that Purpose shall proceed to elect Eight Members of the said University, being Graduates of the same, to be Guardians for such Colleges and Halls, and in case of an Equality of Votes in any such Election the Person presiding at the Meeting shall have the Casting Vote, and the Persons so elected shall continue to act and be Guardians for putting this Act in execution until the Twenty-fifth Day of *March* then next ensuing, or in case that Day shall be a *Sunday*, then until the Day following, and from thence until other Guardians shall be elected in their Stead; and in like Manner the Governors or Heads and Senior Bursars of the said Colleges, and the Governors or Heads of the said Halls, shall meet on the said Twenty-fifth Day of *March*, or the Day following, as the Case may be, and on the like Day in every succeeding Year, or as soon after as conveniently may be, to elect Guardians for such Colleges and Halls, to serve as such until the Twenty-fifth Day of *March* in the Year next following, and from thence until other Guardians shall be elected in their Stead.¹

¹ By an order of the Poor Law Board, made on the 15th. of January, 1863, with consent of the Dean and Chapter of Christ Church and of the Board

IV. That with respect to the Election of Guardians for the University, it shall be lawful for the Chancellor, Masters, and Scholars of the said University, in a Convocation to be held on the Third *Thursday* after the passing of this Act, or as soon after as conveniently may be, and afterwards annually on the Twenty-fifth Day of *March*, or in case that Day shall be a *Sunday* then on the Day following, or as soon after as conveniently may be in every succeeding Year,¹ to elect Two Persons, being Members of the said University and Graduates of the same, to be Guardians, together with the Vice-Chancellor for the Time being, for and on behalf of the University, in putting this Act into execution, for the same Time as Guardians for the Colleges and Halls are herein-before directed to be elected; and all Members of the University, being Graduates of the same, who shall be appointed Guardians under this Act, whether by and for and on behalf of the Chancellor, Masters, and Scholars of the said University, or by or for and on behalf of the said Colleges and Halls respectively, shall be Guardians to all Intents and Purposes, without showing or proving, or being liable to show or prove, any other Qualification whatsoever.

A. D. 1854.
Guardians
for the Uni-
versity,
how
elected.

Qualifica-
tion.

V. And with respect to the Election of Guardians for the several Parishes aforesaid, it is enacted, That the Guardians of the Poor already elected and acting for the several Parishes aforesaid shall continue to act as such Guardians, and shall perform all the Duties, and enjoy and exercise all the Authority and Power assigned or given to

Guardians
for the
Parishes
already
elected to
remain in
Office till
others
elected.

of Guardians, under the Act for the relief of the Poor in Extra-parochial Places (20 Vict. c. 19) s. 8, Christ Church was annexed to the Oxford Incorporation, and the Dean and Chapter were empowered to elect two Guardians annually in addition to the thirty-three provided by this Act. (G.)

By the order of the Local Government Board of the 14th of June, 1875 (confirmed by 38 & 39 Vict. c. clxviii) Art. I & III (*infra*), the Guardians for the Colleges and Halls and for the parishes respectively are to continue to act till the 15th of April inclusive in each year.

By the Oxford (Poor Law) Order (1.) confirmed by 3 Edw. 7. c. lxxvi (*infra*) the Vice-Chancellor or, in default, the Local Government Board are empowered to fix any day in March for the election of guardians under this section (except guardians for Christ Church, as to whom no change is made) and under s. 4.

¹ See note to s. 3 (*supra*).

A. D. 1854. the Guardians of the Poor for the said Parishes by this Act, until the Third *Thursday* after the passing of this Act, or until other Guardians shall be elected in their Stead.

Time when
Election
shall take
place.

VI. That on the Third *Thursday* after the passing of this Act, or within Ten Days thereof, the Ratepayers of each of the said Parishes, or any Seven or more of them, who shall then by Law have Power to vote at a Vestry Meeting of the said Parish, shall and may meet in Vestry, and elect One Ratepayer of the said Parish to serve as Guardian, and represent the said Parish at the Board of Guardians, until the Twenty-fifth Day of *March* then next following, and from thence until another shall be elected in his Stead, as hereafter mentioned; and on the Twenty-fifth Day of *March* in each and every Year, or on some other Day within Ten Days next after the said Twenty-fifth Day of *March*, the said Ratepayers shall and may meet in Vestry, and elect One Ratepayer of the said Parish to serve as Guardian, and represent the said Parish at the said Board of Guardians, until the Twenty-fifth Day of *March* in the next following Year, and from thence until another shall be elected in his Stead; provided, that nothing herein shall be construed to prevent the said Electors at such Vestry Meeting from re-electing any Person, with his Consent, who may have served the Office of Guardian for the previous Year; and provided, that no Member of the said University entitled to vote for any Guardian of any College or Hall shall vote at such Election of Guardians for any of the said Parishes.¹

Property in
Parishes,
&c. in the
Colleges
and Halls
to be
valued.

XXIX. And for the Purpose of assessing the rateable Property in the said several Parishes, and in the said University, and the Colleges and Halls thereof aforesaid, it is enacted, That immediately after the passing of this Act, or as soon thereafter as conveniently may be, a Valuation shall be made of the annual Value of all Lands, Houses, and other Property by Law rateable to the Relief of the Poor, situate within the said several Parishes, and within the said University and the Colleges and Halls

¹ See note to s. 3 (*supra*).

thereof. aforesaid ; and for the Purpose of making such A. D. 1854
Valuation, the Vice-Chancellor of the said University
(acting for and on behalf of the said University and of the
said Colleges and Halls) of the one Part, and the Guardians
of the Poor elected or to be elected for the City and the
several Parishes aforesaid of the other Part, shall procure
the Poor Law Board to appoint a Valuer to value the
same, and which Valuer shall be paid for his Labour and
Trouble in that Behalf out of the first Monies to be raised
by virtue of this Act ; and the said Vice-Chancellor shall
appoint One Person, and the said Guardians shall appoint
another, to be paid by them respectively, to represent
respectively the said University, Colleges, and Halls, and
the said several Parishes, before the said Valuer, and who
shall attend and assist the said Valuer in his Valuation of
the rateable Property aforesaid ; and the said Valuer shall
have full Power and Authority to receive Evidence from
either or both of the said Parties, and to make a particular
Survey and Valuation of the whole of such rateable
Property, or of any Part thereof, if necessary, or if he shall
think fit so to do ; and the Valuation to be made by such
Valuer shall be deemed binding and conclusive on the said
University and the Colleges and Halls thereof as aforesaid,
and on the several Parishes herein-before mentioned, until
some other Valuation of such Properties shall afterwards
be made in the Manner aforesaid ; and the like Valuation
shall be made from Time to Time at the End of every
Ten Years, upon the Requisition of either of the said
Parties: Provided nevertheless, that if the Persons so
appointed to assist the said Valuer shall themselves agree
in the Valuation of the whole or any Part of the said
Properties without the Interference of such Valuer, such
Valuation shall be deemed valid, binding, and conclusive,
as if the same had been made by the said Valuer.¹

XXX. Provided nevertheless, That, until such first Contribu-
Valuation shall be made as aforesaid, the Vice-Chancellor tions to the
of the said University, immediately after Notice under the Rate in the
meantime,

¹ Section 29 has been repealed. See note 1, p. 173 (*supra*).

A. D. 1854. Hand of the Chairman or Clerk of the Guardians of the
by the Col- Sum necessary to be raised for the Relief and Maintenance
leges and of the Poor shall have been delivered to him or left at his
Halls. Place of Abode as herein-after mentioned, shall, on behalf
of the said University, Colleges, and Halls, pay unto the
Treasurer of the said Guardians a Sum equal to Twenty
per Centum of the Sum so required to be raised; and he
shall from Time to Time make the like Payment, upon
being served with such Notice as aforesaid, until such
Time as such first Valuation shall be made and completed:
Provided always, that if, upon such Valuation being made
and completed, it shall appear that the Sum, or any of
the Sums so paid by the said Vice-Chancellor exceed the
Sum which would have been produced by a Rate upon
the rateable Property of such University, Colleges, and
Halls, according to the Valuation thereof in and by the
said Valuation, then the Excess of such Sum so paid,
beyond what would have been so produced by the Rate,
shall be repaid to the said Vice-Chancellor by the Board
of Guardians; or if it shall appear that the Sum so paid
by the Vice-Chancellor is less than that which would have
been produced by a Rate upon the University, Colleges,
and Halls according to such Valuation, then and in such
Case the said Vice-Chancellor shall immediately pay to
the Treasurer of the said Guardians such Sum or Sums
as, together with the Sum or Sums which shall have been
already paid by him, shall amount to the Sum or Sums
which would have been so produced by such Rate or Rates.¹

Exemp-
tions from
Rate
claimed,
how to be
decided.

XXXI. And whereas the said University, and the said
Colleges and Halls thereof, claim that certain Land and
Buildings within or appertaining to the same are exempted
by Law from being rated to the Relief of the Poor, and
the Vice-Chancellor of the said University of the one
Part, and the Guardians of the Poor of the several Parishes
aforesaid of the other Part, have agreed that a Case shall
be stated (to be prepared by their respective Solicitors, and
settled, if there should be any Difficulty or Disagreement,

¹ Section 30 has been repealed. See note 1, p. 173 (*supra*).

by some Barrister-at-Law to be chosen by them for that Purpose) for the Purpose of obtaining the Opinion of Her Majesty's Court of Queen's Bench whether by Law the same, or any and which of them, are or ought to be exempt from being rated to the Relief of the Poor: Be it enacted, That, upon such case being so stated as aforesaid, it shall be lawful for the said Court to receive and determine such Case, although no Appeal against any Rate shall then be pending, and the Decision of such Court thereupon shall be final and binding upon the Parties aforesaid, and the Costs attending the same shall be borne by the respective Parties, and those incurred by the University, Colleges, and Halls shall be paid by them, and those incurred by the said Guardians shall, when duly taxed, be paid out of the Funds under their Control.¹

XXXII. With respect to the Amount of Poor Rate to be made on the said several Parishes, and on the Colleges and Halls, and to that Portion in the said University, it is enacted, That the Guardians shall, as often as occasion shall require, at special Courts or Assemblies to be called for that Purpose, ascertain the Sum which they shall judge necessary to be raised for the Relief and Maintenance of the Poor of the said several Parishes, and for the other Purposes of this Act, and shall, within Three Days after such Sum shall be so ascertained and agreed upon, give

¹ A case was stated under this section and heard by the Court of Queen's Bench in 1857 (Case of the Oxford Poor Rate, 8 Ellis and Blackburn 184). The Court held that there was no rateable occupation of the Bodleian Library, the Schools, the Convocation House, the Old Convocation House and Law School, the Clarendon Buildings, or the University Galleries; that there was no rateable occupation of the Sheldonian Theatre, except a cellar of the building where a publisher was allowed without payment to store books, of the Ashmolean Museum, except part thereof used as a residence by a reader in mineralogy, of the Botanic Garden, except the residences and land occupied by the Professor of Botany and a gardener, or of the Taylor Institution, except the part used for the Librarian's residence, as to which the occupation was rateable if it was unnecessary for him to reside in order to perform his duties, or if and so far as the accommodation was in excess of what was required for that purpose; that there was rateable occupation by the Colleges of their libraries and chapels.

But see now 38 & 39 Vict. c. clxviii. s. 2 (4) (*infra*).

A. D. 1854. Notice thereof to the Vice-Chancellor of the University in Writing, under the Hand of the Chairman or Clerk to the Guardians, such Notice to be delivered to the Vice-Chancellor or left at his Place of Abode; and which Sum, together with the Amount of the Expenses of collecting the same, shall be raised by equal Pound Rates or Assessments on the rateable Property in the said several Parishes within the Limits of this Act, and on the rateable Property within the said University, and the Colleges and Halls aforesaid, in manner herein-after mentioned.

How Rate
to be as-
sessed for
the Col-
leges and
Halls.

XXXIII. That the Vice-Chancellor of the University for the Time being, for the Purpose of assessing the rateable Property within the said University, Colleges, and Halls as aforesaid, shall and he is hereby empowered and required from Time to Time, immediately on the Receipt of the Notice from the Clerk to the Guardians or the Chairman of the Sum required by the Guardians, and of the Rate in the Pound at which it is to be raised and levied, to rate and assess the several Properties in the Occupation of the University, and the several Colleges and Halls aforesaid, according to the full rateable Value of such Properties, in such Manner as Rates are directed to be made under the Act of the Sixth and Seventh of William the Fourth, Chapter Ninety-six, intituled *An Act to regulate Parochial Assessments*, and in and by the Rates and Assessments which shall be so made to direct the time within which the Monies to be raised thereby shall be paid to the Vice-Chancellor or to the University Bailiff for the Time being, or such other Person or Persons as the Vice-Chancellor shall appoint to collect or receive the same¹; and the Rates upon the Colleges shall be paid by the Bursars for the Time being, or other Officers employed in or usually receiving the Rents of their Estates; and the Rates upon the Halls shall be paid by the Principals of the said Halls for the Time being; and in case of Non-payment of the Rates by any of the said Parties within the

6 & 7 W. 4.
c. 96.

¹ As to the salary of the collector see the Oxford Order confirmed by 47 & 48 Viet. c. lxxxiii (*infra*).

Time appointed, the same shall be recovered by the Vice-Chancellor for the Time being, after Demand made of such Rate by the Bailiff or other Person appointed to receive the Rates, by Distress and Sale of the Goods, Chattels, and Effects of the College or Hall, or other Party making default, or the same may be sued for and recovered by the Vice-Chancellor, Masters, and Scholars of the University by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*, or in the Courts of the said University; and the Sums received from such Rates shall be paid, by the Vice-Chancellor of the University for the Time being, to the Treasurer of the Guardians, on or before the Expiration of Eight Weeks from the Time that Notice of the Ascertainment of the Sum required shall have been given as herein-before provided; and in default of Payment of any such Sum within the Time herein-before limited for that Purpose, the same, or such Part thereof as shall be due and unpaid, shall and may be recovered of and from the Vice-Chancellor, or the Chancellor, Masters, and Scholars of the said University, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*, to be commenced and prosecuted by and in the Name of the Corporation aforesaid. A. D. 1854.

XXXIV. That in the making of any Rate or Assessment by the Vice-Chancellor as aforesaid it shall be sufficient to rate and assess the following Parties; (that is to say,) the Chancellor, Masters, and Scholars of the University of *Oxford* in respect of the *Clarendon* Buildings and the University Press, the Superintendents or other Occupiers for the Time being of the Houses within the Quadrangle of the Press, the Occupiers for the Time being of the Houses and Rooms of the Professors and others in the Botanic Garden, *Ashmolean* Museum, and in the *Taylor* Institution and University Galleries; and in the Colleges and Halls it shall be sufficient to rate and assess the Head of each College and Hall in respect of his House in or attached to the same; and in the Colleges to rate the Bursar for the Time being (without further naming him) Who to be rated.

A. D. 1854. in respect of the Rooms and other rateable Parts of each College; and in the Halls to rate the Principal of each Hall (in a separate Sum) in respect of the Rooms and other the rateable Property of the Hall.

Inspection
of Univer-
sity Rate.

XXXV. That every Rate or Assessment that shall be made by the Vice-Chancellor of the University under the Authority of this Act shall be signed by him, and shall be deposited with the Registrar of the University for the Time being; and every such Rate or Assessment shall at all reasonable Times be open to the Inspection of every Person therein rated or assessed, and of the Members of the several Colleges and Halls, who may take Copies of or Extracts from such Rate or Assessment.

Appeal
against
University
Rate.

XXXVI. That if any College or Hall, or other Party charged or assessed by the Vice-Chancellor to any such Rate or Assessment, shall feel themselves or himself aggrieved by any such Rate or Assessment, such College, Hall, or Party shall state in Writing the Grounds of such Dissatisfaction, and deliver the same to the Vice-Chancellor; and if the Vice-Chancellor shall refuse or omit to amend the Rate, then such College, Hall, or Party, after paying the Amount charged in such Rate or Assessment, may, within Two Months after the making of such Rate or Assessment, appeal against the same to the Delegates of Appeal, to be appointed as herein-after mentioned.¹

Delegates
of Appeal,
how ap-
pointed.

XXXVII. That, annually, in the same Convocation which shall be held for the Appointment of Guardians by the Chancellor, Masters, and Scholars as herein-before is provided, the Proctors of the University for the Time being shall nominate Persons, being Masters of Arts or of some superior academical Degree in the University, who shall be called "Delegates of Appeal in Cases of Poor Rates," who shall have Power to hear and determine throughout the Year following all such Cases of Appeal as aforesaid, and their Determination thereof shall be final.²

¹ By Art. XIII of the Order confirmed by 38 & 39 Vict. c. clxviii the appeal under this section lies to the Quarter Sessions of the City.

² Section 37 has been repealed. See note 1, p. 173 (*supra*).

LI. Provided that this Act, or anything herein contained, shall not be deemed or construed to affect or interfere with the Rights or Privileges of the said University, or with the Rights and Privileges of the said City of *Oxford*, except as in and by this Act is enacted.

A. D. 1854.
Act not to
affect the
Privileges
of the
University
or City.

LXI. That this Act shall be a Public Act, and deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whatsoever, without being specially pleaded.

Public Act.

[The remaining sections relate to the guardians of the parishes, the meetings of the guardians, election of Chairman Vice-Chairmen and Officers, incorporation and vesting of property, levying of rates in the parishes, penalties and legal proceedings.

Section 16 which prescribed a declaration to be taken by the Guardians was, together with some words in s. 18 referring to the declaration, repealed by the Order of the Local Government Board of the 16th of April, 1874, confirmed by 37 & 38 Vict. c. xix.]

17^o & 18^o VICT. Cap. 17.

An Act to empower the Warden and Scholars of the House or College of Scholars of *Merton* in the University of *Oxford* to sell certain Lands situate in the Parish of *Holywell* otherwise *Saint Cross* in the City of *Oxford*, and to lay out the Monies to arise from such Sales in the Purchase of other Hereditaments.¹ [31st July 1854.]

[This Act, 'The Merton College Act, 1854,' authorizes the carrying out of two agreements by Merton College for the sale to the University of land known as the *Parks* in two portions as described in the First and Second Schedules for the respective sums of three thousand six hundred pounds and nine thousand

¹ For the purchase of an addition to the Parks see 18 & 19 Vict. c. 12 (*infra*).

A. D. 1854. pounds, with usual provisions as to the application of the purchase money.]

THE FIRST SCHEDULE.

All that Piece or Parcel of Land containing Four Acres or thereabouts, being Part of and lying at the South End of a Piece of Land called the Parks situate in the Parish of Holywell otherwise Saint Cross in the City of Oxford, and bounded on the North by the Remainder of the said Piece of Land called the Parks, on the South by Lands of the Warden, Fellows, and Scholars of Wadham College, and on the East and West by the University Walk, together with the Use, jointly with the Warden and Scholars of the House or College of Scholars of Merton, of the private Carriage Road of the said Warden and Scholars leading from Broad Street to the said Four Acres.

James Saunders.

THE SECOND SCHEDULE.

All that Piece or Parcel of Land containing Twelve Acres One Rood and Thirty-four Perches or thereabouts, being the remaining Part of the said Piece or Parcel of Land called the Parks, together with the Roads and Walks leading along the North, East, and West Sides of the said Piece of Land, and also the Road and Walk leading along the South Side of the said Piece of Land described in the First Schedule, such Roads and Walks containing altogether Four Acres and Eight Perches or thereabouts, situate in the Parish of Holywell otherwise Saint Cross in the City of Oxford, and bounded on the North by Lands of the President and Scholars of Saint John Baptist College in the Parish of Saint Giles in the said City of Oxford, on the South by the Piece or Parcel of Land described in the First Schedule, on the East by Lands of the Warden and Scholars of the House or College of Scholars of Merton, and on the West by Lands of the President and Scholars of Saint John Baptist College and of the Rector and Scholars of Lincoln College.

James Saunders.

18 & 19 VICT.] *Stamp Duties Repeal on Matriculation and Degrees (Oxford).* [Cap. 36]

18° & 19° VICT. CAP. XXXVI.

An Act to repeal the Stamp Duties payable on A. D. 1855.
Matriculation and Degrees in the University of
Oxford. [26th June 1855.]

WHEREAS by an Act passed in the last Session of ^{17 & 18} Parliament (Chapter Eighty-one) "to make further ^{Vict. c. 81.} Provision for the good Government and Extension of the University of *Oxford*, of the Colleges therein, and of the College of *Saint Mary Winchester*," it was enacted,¹ that the Stamp Duties then payable on Matriculations and Degrees should be abolished so soon as Provision should have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's Treasury, in lieu of the Monies theretofore voted annually by Parliament: and whereas by a Statute of the said University, adopted by Convocation on the Thirty-first day of *May* One thousand eight hundred and fifty-five, Provision has been made for the Payment out of the University Chest of the Salaries and Allowances to certain Professors of the said University, mentioned in the Schedule to this Act (being the same Salaries and Allowances as were theretofore annually voted by Parliament to the same Professors), and the Commissioners of Her Majesty's Treasury are satisfied that such Statute is a due Provision in lieu of the Monies theretofore voted annually by Parliament, as intended by said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. All Stamp Duties payable under the Act of the Fifty-
fifth Year of King *George* the Third, Chapter One hundred
and eighty-four, or under any other Act of Parliament, on
the Admission or Matriculation of any Person in the said
University of *Oxford*, and on the Admission of any Person

Stamp
Duties on
Matricula-
tion and
Degrees in
Oxford
repealed.

¹ See (*supra*) s. 46 of the Act cited.

Cap. 36] *Stamp Duties Repeal on Matriculation and Degrees (Oxford).*

A. D. 1855. to any Degree in the said University (whether conferred in the ordinary Course of the University or otherwise), of for the Registry or Entry of any such Admission, shall from and after the said Thirty-first Day of *May* cease to be payable.¹

Salaries payable under University Statute not to be discontinued without Consent of the Treasury.

II. No Salary or Allowance payable under the said Statute of the said University to any Professor mentioned in the Schedule to this Act shall be discontinued or reduced without the Consent of the Commissioners of Her Majesty's Treasury.

SCHEDULE.

	£
To the Professor of Mineralogy	100
To the Professor of Geology	100
To the Professor of Experimental Philosophy	100
To the Professor of Chemistry	100
To the Professor of Modern History	37 ¹
To the Professor of Botany	182

18° & 19° VICT. CAP. CXXIV.

An Act to amend the Charitable Trusts Act, 1853.
[14th August 1855.]

[The Act extends and amends 16 & 17 Vict. c. 137 (*supra*) referred to therein as 'the principal Act'.]

Act not to extend to Eton or Winchester.

XLIX. Nothing in this Act or the principal Act contained shall extend to the Colleges of *Eton* and *Winchester*, or either of them.

18° & 19° VICT. Cap. 12.

An Act to empower the Warden and Scholars of the House or College of Scholars of *Merton* in

¹ See 55 Geo. 3. c. 184. Sched. Pt. 1 and note thereto (*supra*) as to the duties on testimonials or certificates of degrees; and for previous legislation imposing duties on register entries, testimonials, and certificates of degrees see 5 & 6 W. & M. c. 21 and Acts cited in note thereto (*supra*), and 48 Geo. 3. c. 149 (*supra*).

the University of *Oxford* to sell certain Lands A. D. 1855.
situate in the Parish of *Holywell* otherwise *Saint*
Cross in the City of *Oxford*, and to lay out the
Monies to arise from such Sale in the Purchase
of other Hereditaments. [14th August 1855.]

[This Act, 'The Merton College Act, 1855,' recites
17 & 18 VICT. c. 17 (*supra*), and recites and authorizes
the carrying out of an agreement by Merton College
for the sale to the University for nine thousand three
hundred pounds of a piece of land described in the
• Schedule and adjoining the lands sold under the re-
cited Act, the piece of land being subject to a lease to
John Pinfold for twenty-one years from Michaelmas,
1842.]

The SCHEDULE referred to in the foregoing Act.

All that Piece or Parcel of Land, containing Twenty-two
Acres or thereabouts, being Part of and lying at the
West End of a Piece of Land called the Park Pieces,
situate in the Parish of Holywell otherwise Saint Cross
in the City of Oxford, and bounded on the North by
Lands of the President and Scholars of Saint John Baptist
College in the Parish of Saint Giles in the City of Oxford,
on the South by Lands of the Warden and Scholars of the
House or College of Scholars of Merton, on the East in part
by the River Cherwell, and on other Part by Lands of the
Warden and Scholars of the House or College of Scholars
of Merton, and on the West by Lands of the Chancellor,
Masters, and Scholars of the University of Oxford.

James Saunders.

19^o & 20^o VICT. CAP. XXXI.

An Act to amend the Act of the Seventeenth and A. D. 1856.
Eighteenth Years of Her Majesty, concerning

A. D. 1856. the University of *Oxford* and the College of *Saint Mary Winchester*.¹ [23d June 1856.]

17 & 18
Vict. c. 81. **W**HEREAS an Act was passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-one, "to make "further Provision for the good Government and Extension "of the University of *Oxford*, of the Colleges therein, and of "the College of *St. Mary Winchester*," and it is expedient to extend the Provisions of the said Act as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Powers of the Act to be exercised notwithstanding Foundations or Endowments by Act of Parliament, &c.

I. The several Powers given by Sections Twenty-eight, Twenty-nine, and Thirty-seven of the said Act may be exercised notwithstanding anything contained in any Act of Parliament, Decree, or Order constituting either wholly or in part an Instrument of Foundation or Endowment, or confirming or varying any Foundation or Endowment, or otherwise regulating any College or Hall, in respect of which any such Power may be exercised, in like Manner as if such Acts of Parliament, Decrees, and Orders had been expressly mentioned in the said Sections Twenty-eight and Twenty-nine.

Statutes approved under the Act may be amended during the Continuance of the Commission.

II. It shall be lawful for any College of or in relation to which any Regulation, Ordinance, or Statute shall have been approved by Her Majesty in Council under Section Thirty-six of the said Act, from Time to Time, with the Approval of the Commissioners, and during the Continuance of their Powers under the said Act, to amend or alter such Regulation, Ordinance, or Statute, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council and all other Conditions and Provisions as are imposed by the Act in relation to the making of the original Regulation, Ordinance, or Statute.

¹ For short title of this Act, 'The Oxford University Act, 1856,' see 40 & 41 Vict. c. 48. s. 1 and Schedule (*infra*).

² *Supra*.

III. The Canonries of *Christ Church* in *Oxford* which A. D. 1856. are not annexed by Law or Custom to any Professorship or Archdeaconry shall be deemed College Emoluments within the Meaning and for the Purposes of the said Act.

IV. Where any Benefice with Cure of Souls is annexed to the Headship of a College or Hall, or where any Advowson is held in trust for the Head of such College or Hall, it shall be lawful for the College, or, where the Annexation or Trust affects the Headship of a Hall, for the University (at any Time during the Continuance of the Commission), without Prejudice to any existing Interest of any Member of such College or Hall, and notwithstanding anything contained in any Act of Parliament or in any Deed or Instrument whatever, to make a Statute or Statutes for putting an end to such Annexation or Trust and for selling the Advowson of the Benefice so annexed or the Advowson so held in trust, or, if it be thought fit in the Case of a College, for adding such Advowson to those in the Patronage of the College, and for making, out of the College Revenues, or in the Case of a Hall out of the Proceeds of the Sale or the Investment of such Proceeds, adequate Compensation to the Head for the consequent Diminution of his Income: Provided always, that all such Statutes shall be laid before the Commissioners, who shall have Power by Writing, under their Common Seal, to approve of or reject the same, or to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.¹

V. Where, upon an Application of the University as to any University Emolument, or upon the Application of any College as to any Emolument within such College, it may appear to the Commissioners that it would be advisable, for the Purposes of the said Act, to suspend for a limited Period the Election to such Emolument (not being the Headship of a College or Hall), it shall be lawful for the

Canonries of Christ Church to be deemed College Emoluments.

Power to sever Benefices from Headships of Colleges, &c.

Elections to Emoluments may be suspended on the Application of the University or College.

¹ See a similar power as to Colleges at Cambridge 19 & 20 Vict. c. 88. s. 28 (*infra*); and for other powers of severing benefices from headships of colleges at either University see 3 & 4 Vict. c. 113. s. 69 (*supra*), 23 & 24 Vict. c. 59. ss. 7-11 (*infra*), and 43 & 44 Vict. c. 46. s. 5 (*infra*).

A. D. 1856. Commissioners, by Instrument under their Common Seal, to authorize the University or such College, as the Case may be, to suspend such Election accordingly, for such a Time as may appear to the Commissioners sufficient for the Purposes aforesaid.

Regulations, &c. under Section 36. of the said Act to be subject to Provisions as to Regulations, &c. framed by Commissioners.

Certain Parts of 8 & 9 Vict. c. 18. incorporated herewith.

VI. All Regulations, Ordinances, and Statutes, framed by the Commissioners under Section Thirty-six of the said Act shall be subject to all the Conditions and Provisions contained in the said Act in relation to Regulations, Ordinances, or Statutes framed by the said Commissioners under the other Powers thereby conferred on them.

VII. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act, and of the *Oxford University Act, 1854*,¹ so far as relates to Land within One Mile and a Half of *Carfax* in the City of *Oxford* required for the Erection of any Buildings for the Extension of the Buildings of the said University, or of any College therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking".

19^o & 20^o VICT. CAP. LXXXVIII.

An Act to make further Provision for the good Government and Extension of the University of *Cambridge*, of the Colleges therein, and of the College of King *Henry the Sixth* at *Eton*.²

[29th July 1856.]

¹ 17 & 18 Vict. c. 81 (*supra*).

² For short title of this Act, 'The Cambridge University Act, 1856,' see 40 & 41 Vict c. 48. s. 1. and Schedule (*infra*).

WHEREAS it is expedient, for the Advancement A. D. 1856.
of Religion and Learning, to enlarge the Powers
of making and altering Statutes, Ordinances, and Regula-
tions now possessed by the University of *Cambridge* and
the Colleges thereof, and to make and enable to be made
further Provision for the Government and for the Extension
of the said University, and for the Abrogation of Oaths
now taken therein, and otherwise for maintaining and im-
proving the Discipline and Studies and the good Govern-
ment of the said University of *Cambridge* and the Colleges
thereof: Be it enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same,
as follows:

I. The several Persons herein-after named, (that is to Appoint-
ment of
Commissioners.
say,) the Right Reverend *John* Lord Bishop of *Lichfield*,
the Right Reverend *John* Lord Bishop of *Chester*, the
Right Honourable *Edward Henry Stanley* commonly called
Lord *Stanley*, the Right Honourable *Matthew Talbot Baines*,
Vice-Chancellor Sir *William Page Wood* Knight, the Right
Honourable Sir *Laurence Peel* Knight, the Very Reverend
George Peacock Dean of *Ely*, and the Reverend *Charles*
John Vaughan Doctor in Divinity, shall be Commissioners
for the Purposes of this Act, and shall have a Common Seal,
and Three of the said Commissioners shall be a Quorum,
and the Commissioner appointed or acting as Chairman
shall have a Second or Casting Vote when the Votes of the
said Commissioners shall be equally divided.

II. The Powers hereby conferred on the Commissioners Duration
of Powers
of Com-
missioners.
shall be in force until the First Day of *January* One
thousand eight hundred and fifty-nine, and it shall be
lawful for Her Majesty, if She shall think fit, by and with
the Advice of Her Privy Council, to continue the same
until the First Day of *January* One thousand eight hundred
and sixty, and no longer.¹

¹ The powers of the Commissioners were continued by 22 & 23 Vict. c. 34.
s. 1 (*infra*) until the 1st of January, 1861.

A. D. 1856. III. If any Vacancy occurs in the Number of such Commissioners, by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c. IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of *Cambridge* or of any College therein the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively ; and no Oath which may have been taken by any such Officer shall be a Bar to any Authorities of the Commissioners.

Constitution of the University. V. Upon the Sixth Day of *November* One thousand eight hundred and fifty-six, all Powers, Privileges, and Functions now possessed or exercised by the Caput Senatus of the said University shall cease, and upon the Seventh Day of the said Month of *November* One thousand eight hundred and fifty-six there shall be elected in manner herein-after mentioned a Council, which shall be called the Council of the Senate, and which shall consider and prepare all Graces to be offered to the Senate, whether proceeding from individual Members of the Senate or from Syndicates, and no Grace shall be offered to the Senate without the Sanction of the major Part of those voting upon it in the Council.

Composition of Council. VI. The Council of the Senate shall consist of the Chancellor, the Vice-Chancellor, Four Heads of Colleges, Four Professors of the University, and Eight other Members of the Senate, such Eight Members to be chosen from the Electoral Roll herein-after mentioned, and such Heads of Colleges, Professors, and Members of the Senate to be elected by the Persons whose Names shall be on such Electoral Roll: Provided always, that there shall never be more than Two Members of the same College among such Eight elected Members.

Vice-Chancellor to promulgate Lists of VII. The Vice-Chancellor shall on or before *Monday* the Thirteenth Day of *October* One thousand eight hundred and fifty-six, and also on or before the Second *Monday* in

October in every Year, cause to be promulgated, in such A. D. 1856.
 Way as may to him seem expedient for the Purpose of giving Publicity thereto, a List of the Members of the Senate, whom he shall ascertain to have resided within One Mile and a Half of *Great Saint Mary's* Church for Fourteen Weeks at the least between the First Day of the preceding *Michaelmas* Term and the First Day of the said Month of *October*; and such List, together with the following Persons, (that is to say,) all Officers of the University, being Members of the Senate, the Heads of Houses, the Professors, and the Public Examiners, shall be the Electoral Roll of the University for the Purposes of this Act.

VIII. The Vice-Chancellor shall at the same Time fix some convenient Time and Place, not more than Fourteen nor less than Seven Days from the Time of such Promulgation, for publicly hearing Objections to the said List, which any Member of the Senate may make on the Ground of any Person being improperly placed on or omitted from the said List; and if any such Objections shall appear to the Vice-Chancellor to be well founded, he shall correct the said List accordingly, and he shall thereupon sign and promulgate the said List, which shall thenceforth be the Electoral Roll for the Year thence next ensuing, and until a new Roll shall in like Manner have been promulgated.¹

IX. Two of the Heads of Colleges, Two of the Professors, and Four of the other Members of the Council to be elected on the Seventh Day of *November* One thousand eight hundred and fifty-six, shall be elected to hold Office for Two Years only, and shall vacate their Seats at the End of Two Years, and the other Members of the Council to be then elected shall hold Office for Four Years, and shall vacate their Seats at the End of Four Years; and the Election of the Two Heads of Colleges, Two Professors, and Four other Members of the Council, who are to hold Office for Two Years only, shall be made separately from

¹ See 40 & 41 Vict. c. 48. s. 61 (*infra*) as to notices of objection and publication of a list of objections.

A. D. 1856. the Election of the other Heads of Colleges and Professors and other Members of the Council.

For Supply of periodical Vacancies in Council. X. The Places of the Members of the Council vacating their Seats shall be supplied by a new Election, to be made on the Seventh of *November*, or in case the Seventh of *November* should be *Sunday*, on the Eighth of *November* in every other Year, in the same Manner as is herein-before prescribed as to the Election to take place on the Seventh Day of *November* One thousand eight hundred and fifty-six, save only that all Members of the Council to be then elected shall be elected to hold Office for Four Years; and all Members so vacating their Seats shall (if otherwise eligible) be capable of Re-election.

Members vacating may be re-elected.

As to filling up of casual Vacancies. XI. Any casual Vacancy occurring by Death, Resignation, or otherwise among the Members of the Council shall be filled by the Election of a qualified Person, according to the Directions of this Act, upon a Day not later than Twenty-one Days or sooner than Seven Days after such Occurrence, to be fixed by the Vice-Chancellor and publicly notified by him; but if such Vacancy shall occur during Vacation the Occurrence shall be deemed for the Purpose of such Notice to have taken place on the First Day of the ensuing Term; and the Person so elected shall be subject to the same Rules and Conditions as to the Tenure of Office, and in all other respects, as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Votes of Electors.

XII. In all Elections of Members of the Council every Elector may vote for any Number of Persons, being Heads of Colleges, Professors, or Members of the Senate as afore-said respectively, not exceeding the Number of Heads of Colleges, Professors, or Members of the Senate respectively to be then chosen; and in case of an Equality of Votes for any Two or more of such Heads of Colleges, Professors, or Members of the Senate respectively, the Vice-Chancellor shall name from amongst those Persons for whom the Number of Votes shall be equal as many as shall be requisite to complete the Number of Heads

of Colleges, Professors, or Members of the Senate to be then chosen. A. D. 1856.

XIII. If any Member of the Council, other than the Chancellor or the Vice-Chancellor, shall have been absent from all the Meetings of the Council during the whole of One Term, his Seat shall at the Close of such Term become and shall be declared by the Vice-Chancellor to be vacant. Absence from Meetings for a certain Time to create a Vacancy.

XIV. If any Member of the Council shall become Vice-Chancellor his Seat shall not thereby become vacant, nor shall the Seat of any Member of the Council become vacant by reason that after his Election he may have become or may have ceased to be a Professor or a Head of a College: Provided always, that if any of the Eight Members of the Senate chosen from the Electoral Roll as aforesaid shall afterwards cease to be on the Electoral Roll, his Seat shall thereupon become and be declared to be vacant. Member of Council becoming Vice-Chancellor not to vacate Seat.

XV. No Professor shall be ineligible for the Council by reason of anything contained in the Statutes of his Foundation. Professors eligible.

XVI. The Vice-Chancellor shall, before the Tenth Day of *October* One thousand eight hundred and fifty-six, make and promulgate all such Regulations as to the voting for, Election, Resignation, and Return of Members of the Council, as may be necessary for the Election and assembling of the Council according to this Act, and for keeping the Number of such Council complete, and shall appoint the Time and Place at which they shall assemble; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon make such Regulations in respect of the Matters aforesaid as they may think fit. Vice-Chancellor to make Regulations respecting Council.

XVII. Subject to the Provisions of this Act, and without Prejudice to the Rights of the Senate in the making of Statutes, Regulations, and Ordinances for the University of *Cambridge*, the Council shall have Power from Time to Time to make Rules for the Regulation of its own Proceedings, and to revise or alter the Regulations herein-before directed to be made by the Vice-Chancellor, or, in the Case Power to Council to make Rules for Regulation of its own Proceedings.

A. D. 1856. of his failing to do so, by the Commissioners, and also to appoint Committees for the Purpose of examining all Questions referred to them by the said Council.

Date of Meeting. XVIII. The Council shall meet for the Despatch of Business on the Eighth Day of *November* One thousand eight hundred and fifty-six.

Who shall be President of the Council. XIX. The President of the Council shall be the Chancellor, or in his Absence the Vice-Chancellor, or a Member of the Council appointed by the Vice-Chancellor to act as his Deputy, or if at any Council duly convened and assembled neither the Chancellor nor the Vice-Chancellor nor any Deputy so appointed shall be present, then some Member to be chosen by the Members of the Council then assembled.

Quorum of Council. Questions in the Council to be decided by the Majority. XX. No Business shall be transacted in the Council unless Five Members at least be present; and all Questions in the Council shall be decided by the Majority of the Votes of the Members present, and the President shall have a Second or Casting Vote when the Votes are equally divided: Provided always, that in case of a Difference of Opinion between the Chancellor, or the Vice-Chancellor or his Deputy, and the Majority of the Members present at any Meeting of the Council, the Question as to which such Difference may exist shall not be deemed to be carried by such Majority unless the same shall constitute a Majority of the whole Council, but in such Case the Question shall be adjourned to the next Meeting of the Council, and such adjourned Question shall be finally decided by the Majority of the Members of Council then present.

Council to nominate to Offices. XXI. The Council shall nominate Two qualified Persons to the Senate, of whom the Senate shall choose One, in the Manner heretofore accustomed, to fill every vacant Office in the University to which the Heads of Colleges have heretofore nominated Two Persons to the Senate: Provided always, that the Persons nominated as aforesaid to the Office of Vice-Chancellor shall be Heads of Colleges.

Certain Oaths deemed. XXII. Every Oath directly or indirectly binding the Juror—

Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority ; To resist or not concur in any Change in the Statutes of the University or College ;

A. D. 1856.
illegal, and
not to be
adminis-
tered.

To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Non-concurrence,
shall from the Time of the passing of this Act be an illegal Oath in the said University and the Colleges thereof, and no such Oath shall hereafter be administered or taken.

XXIII. Any Member of the University, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, may obtain a Licence from the Vice-Chancellor to open his Residence, if situate within One Mile and a Half of *Great Saint Mary's Church*, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University, without being of necessity entered as Members of any College ; but no such Licence as aforesaid shall be granted by the Vice-Chancellor until such Regulations as are herein-after mentioned have come into operation.

Power to
Vice-Chan-
cellor to
license
Members
of the Uni-
versity to
open their
Residences
for Recep-
tion of
Students.

XXIV. Every Person to whom such Licence is granted shall be called a Principal, and his Residence so opened as aforesaid shall be called a Hostel.

Hostels.

XXV. The University, before the First Day of *January* One thousand eight hundred and fifty-eight, may proceed to frame Statutes—

Power of
University
to make
Statutes as
to Hostels.

For regulating the Terms and Conditions of granting Licences to Principals, and the Qualifications of such Principals :

For the Government of Hostels, the Discipline of the Students therein, and their Status in the event of the Death or Removal of any such Principal, or of the Withdrawal or Suspension of his Licence :

For punishing Neglect or Breach of Regulation on the Part of a Principal by the Withdrawal or Suspension of his Licence, and on the Part of any Students by

A. D. 1856. such reasonable Penalties or other Punishments as the University may think fit:

But no such Statute shall be of any Force or Effect unless and until it shall have been approved in the Manner herein-after mentioned.

If University omit to frame Statutes, &c., it shall be incumbent on Commissioners to do so.

XXVI. If the said University shall not, on or before the First Day of *January* One thousand eight hundred and fifty-eight, have framed, and submitted for the Approval of the Commissioners, such Statutes as may in the Opinion of the Commissioners be sufficient for carrying into effect the Objects of this Act with respect to the Establishment and Regulation of Hostels, the Commissioners shall forth-with proceed to frame Statutes in that Behalf.

Power to Colleges to frame Statutes for certain Purposes.

XXVII. In order to promote useful Learning and Religious Education in the Colleges and University, and the main Designs of the Founders and Donors so far as is consistent with these Purposes, it shall be lawful for the Governing Body of any College, or the major Part thereof, at any Time before the First Day of *January* One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment either of such College or of any Emolument therein, to make Statutes for the Purposes following; (that is to say,)

1. For repealing, altering, and amending the College Statutes, and for making fresh Provision respecting the Eligibility of Persons to the Headship or the Fellowships or other College Emoluments, respecting the Right and Mode of appointing, nominating, or electing to such Headship, Fellowships, and Emoluments, and respecting the Duration and Conditions of the Tenure of such Fellowships and Emoluments, so as to ensure such Fellowships and Emoluments being conferred according to personal Merits and Fitness, and being retained for such Periods as are likely to conduce to the

better Advancement of the Interests of Religion A. D. 1856.
and Learning, and for the said Objects to modify
or abolish any Right of Preference :

2. For altering or abolishing the Oaths or any of them required to be taken by the Statutes of the College :
3. For re-distributing or apportioning the divisible Revenues of the College :
4. For rendering Portions of the College Property or Income available to Purposes for the Benefit of the University at large :
5. For the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships or Scholarships attached to Schools into Scholarships or Exhibitions so attached, or either partly so attached and partly open, or altogether open, and of Fellowships otherwise limited into Scholarships or Exhibitions either subject or not subject to any similar or modified Limitation :
6. For the Creation of a sufficient Number of Open Scholarships either by Conversion of Fellowships or otherwise :
7. For incorporating Bye-Fellowships with the original Foundation either in reduced Number or otherwise :
8. For transferring to the College in its corporate Capacity any Trusts now vested in any One or more of the Master and Fellows :
9. And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such College, and for amending the Statutes thereof from Time to Time :

But all Statutes so made by the Governing Body of such College, or the major Part thereof, shall be of no Force or Effect until they shall have been approved in the Manner herein-after mentioned : Provided that nothing herein contained with respect to the Right of nominating or appointing to the Headship of a College shall be deemed to apply to the Headship of *Mary Magdalen College*, unless the Con-

A. D. 1856. sent by Deed of the Person or Persons entitled to such Right shall be first had and obtained.

Power to sever Benefices from Headships. XXVIII. And whereas it is expedient, where certain Benefices with or without Cure of Souls are annexed to the Headship of a College, or may at the Option of the Head for the Time being be held with his Headship, to enable the Colleges to put an end to such Annexation or Option: Be it enacted, That it shall be lawful for the Governing Body of any College or the major Part thereof, at any Time before the First Day of *January* One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member thereof, and notwithstanding anything contained in any Act of Parliament or in any Deed or Instrument whatever, to make Statutes for putting an end to such Annexation or Option, and either for selling such Benefices or for adding them to the Number of those already in the Patronage of the College, and for making adequate Compensation out of its Revenues to the Head of the College for the consequent Diminution of his Income: Provided always, that all such Statutes, and also all Statutes made by any College under the Powers of the Twenty-seventh Section of this Act, shall be laid before the Commissioners, who shall have Power, by Writing under their Common Seal, to approve of or reject the same, and to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.¹

When Colleges omit to make Statutes Commissioners may frame them. XXIX. If the Powers granted in the Twenty-seventh Section shall not be exercised by any College, or shall not be exercised to such Extent as the Commissioners may deem expedient, and no Statute for effecting the Objects of such Powers, or no Statute which the Commissioners may deem sufficient for that Purpose, shall be submitted by the Governing Body of such College, or the major Part thereof, to the Commissioners, and approved of by

¹ For a similar power to disannex benefices from the headships of Colleges and Halls at Oxford see 19 & 20 Vict. c. 31. s. 4 (*supra*), and see note to that section for other powers of effecting such severances.

them before the First Day of *January* One thousand eight A. D. 1856. hundred and fifty-eight, it shall be lawful for the Commissioners to frame such Statutes or such further Statutes as shall appear to them to be expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and all such Statutes, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment thereof: Provided always, that all such Statutes, when properly settled by the Commissioners, shall be laid before the College to which the same relate, and the Visitor thereof, Two Calendar Months at least before the same are submitted to Her Majesty in Council, as herein-after directed; and if within the next Two Calendar Months, or where the Statutes shall have been laid before the College and Visitor in Vacation then within Two Months after the First Day of the following Term, Two Thirds of the Governing Body of the said College shall by Writing under their Hands declare that in their Opinion any One or more of such Statutes will be prejudicial to the said College as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose to the said College, and so on as often as Occasion shall require.

XXX. The Council of the Senate may prepare or cause to be prepared new Statutes,— University
may frame
new
Statutes.

1. For repealing, altering, or adding to any of the existing Royal Statutes of the University :
2. Or, in order to promote useful Learning and Religious Education and the main Designs of the Founders and Donors so far as is consistent with these Purposes, for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader,

A. D. 1856. Preacher, or Scholar therein, or the Endowment of Lady *Sadler* for Lecturers in the several Colleges, or the Endowment of the Offices of Christian Preacher and Christian Advocate, or the Endowment of *William Worts* for Bachelors of Arts :

And all such Statutes shall be submitted to the Senate by way of Grace for their Adoption or Rejection ; but no such Statute shall be of any Force or Effect until it shall have been assented to by the Commissioners under their Seal, and shall have been approved by Her Majesty by an Order in Council, as herein-after mentioned ; but no Statute framed by the Council for altering or modifying the Trusts, Statutes, or Directions affecting the Endowments held by the Regius Professors of *Greek, Hebrew, or Divinity*, and which affect or alter any Statute of *Trinity College* touching such Professors or their Endowments, shall be submitted to the Senate until it shall have received the Assent of the said College under its Common Seal.

Com-
mis-
sioners
may frame
University
Statutes.

XXXI. If no new Statute for any of the Purposes in the next preceding Section of this Act mentioned shall be submitted to the Commissioners for their Assent as afore-said, or if any such new Statute for such Purpose shall not be approved by the Commissioners, and shall not be assented to by them, the Commissioners, after the First Day of *January* One thousand eight hundred and fifty-eight, may frame Statutes for such Purpose, and such Statutes shall be laid before Her Majesty in Council in the Manner herein-after directed : Provided always, that any such Statutes framed by the Commissioners shall be laid before the Council of the Senate Two Calendar Months before the same are submitted to Her Majesty in Council as herein-after directed ; and if within the next Two Calendar Months, or if such Statutes shall be laid before the Council in Vacation, then within Two Calendar Months from the First Day of the following Term, Two Thirds of the whole Council shall, by Writing under their Hands and Seals, declare that in their Opinion any One or more of such Statutes will be prejudicial to the University as

a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose, and so on as often as Occasion shall require. A. D. 1856.

XXXII. The University may provide by Statute that Members of the Senate may vote at any Election of a Chancellor or High Steward of the University by Proxy, such Proxy being a Member of the Senate authorized by an Instrument in Writing signed by the Member nominating such Proxy; but no Member shall be entitled to vote as a Proxy unless the Instrument appointing him has been transmitted to the Vice-Chancellor not less than Forty-eight Hours before the Time appointed for holding such Election of a Chancellor or High Steward, as the Case may be; and such Instrument may be in the Form contained in the Schedule to this Act annexed. Votes may be given by Proxy.

XXXIII. If in the Execution of the Powers of this Act it shall be proposed by the Governing Body of any College, or the major Part thereof, or by the Commissioners, to make any Statute for the Abolition of any Right of Preference in Elections to any Emolument within any College, now lawfully belonging to any School or other Place of Education beyond the Precincts of the University, individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, and which Right has been exercised or enjoyed by such School or Place of Education on the Occurrence of any One of the Three Occasions next before the passing hereof on which such Right might have been exercised or enjoyed, or for the Conversion of any Fellowship or Scholarship attached to such School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, where any Appointment or Election to any such Fellowship or Scholarship of a Person educated in such School or Place has taken place on the Occurrence of any One of the Three Vacancies of such Fellowship or Scholar- Right of Preference belonging to Schools not to be abolished in certain Cases if Governors of Schools or Charity Commissioners dissent therefrom.

A. D. 1856. ship next before the passing of this Act, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853," at least Two Calendar Months before any final Resolution for that Purpose shall be adopted by such College or by the Commissioners; and in Cases where it is proposed by such Statute to abolish any Right of Preference in Elections to any Emolument other than a Fellowship, or to convert any Fellowship or Scholarship attached to any School or other Place of Education into One or more Scholarships or Exhibitions, either partly, so attached and partly open, or altogether open, no such Statute shall be made if within Two Calendar Months after receiving such Notice Two Thirds of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then Two Thirds of the aggregate Body composed of the several Governing Bodies of such Schools, or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their Opinion that such Statute would be prejudicial to such School or Place of Education as a Place of Learning and Education: Provided always, that every such Right of Preference, when retained, shall be subject to all such Statutes as may be made by the Governing Body of any College, or by the Commissioners, under the Powers given by this Act, for the Purpose of making such Emolument more conducive to the mutual Benefit of such College, and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place of Education so entitled as aforesaid; provided also, that where the Governing Body of any such School as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall

belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships into Elder and Younger, the Elder only shall be taken to be Fellowships within the Meaning of this Section.

XXXIV. Where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education for all the Purposes of this Act.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body.

XXXV. All Statutes framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School or Schools, to which the same respectively relate, or by the said Commissioners appointed under the Charitable Trusts Act, 1853, shall, in all Cases where new Statutes shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

Statutes objected to by Governing Body of College, &c. to be laid before Parliament.

XXXVI. And whereas by the Statutes of *Trinity College* and the Laws and Practice of *Westminster School* certain Scholarships in the said College have been annually appropriated to Scholars of the said School elected therefrom: Be it enacted, That the Governing Body of the said College, or the major Part thereof, with the Sanction of the Dean and Chapter of *Westminster*, signified by Writing under their Common Seal, may make and lay before the Com-

Statutes as to Scholarships in Trinity College appropriated to Scholars of Westminster School.

A. D. 1856. missionaries any Statutes which to such College may seem fit for abolishing the said Preference of the said School, and for converting the said Scholarships into open Scholarships, and for enabling the said College to receive annually from the said School any Number of Exhibitioners not exceeding Three in any One Year, and may charge the Revenues of the said College with an annual Sum of Forty Pounds for each of such Exhibitioners, for or towards his Maintenance, from the Time of his commencing his Residence in the said College and during such Residence until by the Statutes of the University he shall be qualified to apply for the Degree of Bachelor of Arts, and the said Dean and Chapter may frame Statutes, with the Consent of *Trinity College* and of *Christ Church College, Oxford*, as to the Studies to be prosecuted in the said School, and the Mode of electing the Head Master and Under Master thereof, and may frame Statutes, with the Consent of *Trinity College*, as to the Persons by whom and the Mode in which the Election of such Exhibitioners shall be made, and generally as to the Conditions on which such Exhibitions shall be held and enjoyed; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes: Provided always, that no such Exhibition shall be held for more than Three Years and a Quarter, and no such Exhibitioner shall by holding such Exhibition be disqualified from being elected a Scholar of the said College.

Statutes as
to the
Grindal
Fellow-
ship and
Grindal
Scholar-
ships at
Pembroke
College.

XXXVII. And whereas certain Scholarships at *Pembroke College*, called the *Grindal* Scholarships, have heretofore been appropriated to Scholars educated at the Free Grammar School of *Saint Beghes* or *Saint Bees* in the County of *Cumberland*, and a certain Fellowship at the said College, called the *Grindal* Fellowship, has heretofore been appropriated to Scholars educated at the said School, and subsequently elected to the said Scholarships, and the Fellow and Scholars holding such Fellowship and Scholarships respectively have been from Time to Time maintained by the said College out of the general Revenues

thereof, pursuant to a Covenant entered into by the Master, A. D. 1856. Fellows, and Scholars of the said College with the Keepers or Wardens and Governors of the said School, and contained in a certain Indenture of Demise, bearing Date the First Day of *June* in the Fourth Year of the Reign of His late Majesty King *James* the First, and made between the said Keeper and Governors of the one Part, and the said Master, Fellows, and Scholars of the other Part, by which Indenture, in consideration of the aforesaid Covenant on the Part of the said College, certain Lands situate at *Croydon* in the County of *Surrey*, called "*Palmer's Fields*," were demised by the Keepers or Wardens and Governors of the said School to the Master, Fellows, and Scholars of the said College, for the Term of One thousand Years from the Date of the said Indenture, at the yearly Rent of a Red Rose: Be it enacted, That it shall be lawful for the Governing Body of the said College or the major Part thereof, with the Consent of the Governing Body of the said School, to make and lay before the Commissioners Statutes for abolishing the aforesaid Preference of the said School, and for converting the said *Grindal* Fellowship and *Grindal* Scholarships partly into open Scholarships and partly into Exhibitions, and for that Purpose to charge the Revenues of the said College with the Payment to the said School of an annual Sum, to be applied in providing such Exhibitions for meritorious Scholars educated at the said School, and proceeding to any College in the University of *Cambridge*; and it shall be lawful for the Governing Body of the said School to convey the Reversion in Fee Simple expectant upon the Determination of the aforesaid Term of One thousand Years in the aforesaid Lands called "*Palmer's Fields*" to the said College, to be held by the said College as Part of the general Property thereof; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes.

XXXVIII. The College of King *Henry* the Sixth at *Eton* shall, for the Purposes of this Act, be subject to the Provisions herein contained with respect to Colleges, and

College of
King
Henry the
Sixth at

A. D. 1856. shall have the same or the like Powers as are hereby given
 Eton to be subject to this Act with respect to Colleges. to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, in like Manner as is hereby provided with respect to the Colleges of the University.

Statutes to be laid before the Queen in Council. XXXIX. All Statutes which, under the Power herein contained, shall be made by the Governing Body of any College or the major Part thereof, and be approved of by the Commissioners, and all Statutes which shall be framed by the Commissioners, and not objected to in manner aforesaid, and every Statute passed by the University or framed by the Commissioners, under the Powers hereinbefore contained, for the Regulation of Hostels, or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment, or for repealing, altering, or adding to any of the existing Royal Statutes of the University, shall, as to Statutes made by the Commissioners, and liable to be objected to in manner aforesaid, after the Expiration of the Period within which the same may be objected to, and as to all other Statutes without any unnecessary Delay, be laid before Her Majesty in Council, and be forthwith published in the *London Gazette*; and it shall be lawful for every College, and for the Visitor thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for the University, and for any other Person directly affected by such new Statutes, within One Month after the Publication as aforesaid in the *London Gazette*, to petition Her Majesty in Council praying Her Majesty to withhold Her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.

XL. All Statutes which shall be so published in the *London Gazette* as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after the Commencement of the next ensuing Session of Parliament ; and, unless an Address is within Forty Days presented by One or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statutes or any Parts thereof, or unless the Approbation of Her Majesty shall be withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Statutes respectively, or any Parts thereof, to which such Address shall not relate, or of which She shall not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of *Cambridge*, or of the College therein to which the same respectively relate ; and if any such Statutes, or any Part thereof, shall not be so approved by Her Majesty, it shall be lawful for Her Majesty to signify Her Disapproval of such Statutes or such Part thereof by Order in Council, and then the Commissioners may thereupon proceed to frame other Statutes in that Behalf, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council, and all other Conditions and Provisions, as are imposed by this Act in relation to the making of original Statutes by the Commissioners, and so on from Time to Time as often as Occasion shall require.

XLI. After the First Day of *January* One thousand eight hundred and sixty,¹ the Statutes made by Queen *Elizabeth* in the Year of our Lord One thousand five hundred and seventy for the Government and Regulation of the University, or such and so much of them or of any of them as shall be then unrepealed by any Statute made under the Authority of this Act, shall be repealed, but not so as to revive any Statute of the University thereby repealed.

¹ By 22 & 23 Vict. c. 34. s. 2 (*infra*) the repeal of Queen Elizabeth's Statutes is postponed till the 1st of January, 1861.

A. D. 1856.

Power to the Chancellor to settle Doubts as to Meaning of University Statutes.

XLII. If any Doubt shall arise with respect to the true Intent and Meaning of any of the new Statutes of the University framed and approved as aforesaid, or of any Statute which may hereafter be approved in the Manner herein-after mentioned for amending or altering the same, the Council may apply to the Chancellor of the University for the Time being, and it shall be lawful for him to declare in Writing the Intent and Meaning of the Statute on the Matter submitted to him, and such Declaration shall be registered by the Registry of the University, and the Intent and Meaning of the Statute as therein declared shall be deemed the true Intent and Meaning thereof.

Statutes to be subject to Repeal, &c.

XLIII. Every Statute made in pursuance of the Provisions of this Act by the University, or by any College, or by the Commissioners, and likewise all Provisions herein-before contained respecting the Election, Constitution, Powers, and Proceedings of the Council of the Senate, or respecting Hostels, shall be subject to Repeal, Amendment, and Alteration from Time to Time by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

XLIV. No Person who after the passing of this Act shall become a Member of any College, or shall be elected or become eligible to any University or College Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Not necessary to make Declaration or take an Oath on matriculating, nor on taking a Degree;

XLV. From the First Day of *Michaelmas* Term One thousand eight hundred and fifty-six, no Person shall be required, upon matriculating, or upon taking, or to enable him to take, any Degree in Arts, Law, Medicine, or Music, in the said University, to take any Oath or to make any Declaration or Subscription whatever; but such Degree shall not, until the Person obtaining the same shall, in such Manner as the University may from Time to Time prescribe, have subscribed a Declaration stating that he is *bonâ fide* a Member of the Church of *England*, entitle him to be or to become a Member of the Senate, or constitute a Qualification for the holding of any Office, either in the

University or elsewhere, which has been heretofore always A. D. 1856.
held by a Member of the United Church of *England* and
Ireland, and for which such Degree has heretofore con-
stituted One of the Qualifications.¹

XLVI. From and after the First Day of *Michaelmas* nor on ob-
Term One thousand eight hundred and fifty-six, it shall taining any
not be necessary for any Person, on obtaining any Exhibi- Exhibition,
tion, Scholarship, or other College Emolument available Scholarship, or
for the Assistance of an Undergraduate Student in his other Col-
Academical Education, to make or subscribe any Declara- lege Emo-
tion of his Religious Opinion or Belief, or to take any lument.
Oath, any Law or Statute to the contrary notwithstanding.

XLVII. The Stamp Duties now payable on Matricu- Stamp
lations and Degrees shall be abolished as soon as Duties on
Provision shall have been made by the University, to Matricula-
the Satisfaction of the Commissioners of Her Majesty's tions, &c.
Treasury, in lieu of the Monies heretofore voted annually abolished.
by Parliament.²

XLVIII. It shall be lawful for any College, with the Colleges,
Consent of the Church Estates Commissioners, to sell any with Con-
Estate in Lands or Hereditaments vested in such College, sent of
or to exchange any Estate in Lands or Hereditaments for Church
any other Lands or Hereditaments, or either of them, and Estate
upon any such Exchange to receive or pay any Money by Commis-
way of Equality of Exchange; and all Monies which on sioners,
any such Sale or Exchange shall be received by or become may sell
payable to or for the Benefit of such College, shall be paid Estates, &c.
into the Bank of *England*, for the Benefit of such College,
to such Account as the said Church Estates Commissioners
shall appoint in that Behalf; and the Receipt of the said
Church Estates Commissioners shall be an effectual
Discharge to any Purchaser for any Money therein ex-
pressed to be received, and shall be Evidence of their
Consent as aforesaid; and all Monies so paid into the
Bank of *England* shall be applied in Payment for Equality

¹ This section from the words 'but such Degree' to the end is repealed by
the Universities Tests Act, 1871 (34 & 35 Vict. c. 26) s. 8. Sched. (*infra*).

² See 21 & 22 Vict. c. 11 (*infra*).

A. D. 1856. of Exchange as aforesaid, or shall be laid out by such College, with such Consent as aforesaid, in the Purchase of the absolute Estate of Freehold in other Lands and Hereditaments, or either of them, to be conveyed to the Use or for the Benefit of such College; and such Lands and Hereditaments, and any Lands and Hereditaments received in Exchange by such College, shall be held by the College upon the like Trusts, and for the like Purposes as the Lands and Hereditaments sold or given in Exchange by such College respectively; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid shall be invested, by and in the Names of the said Church Estates Commissioners, in the Purchase of Government Stocks, Funds, or Securities, which the said Church Estates Commissioners shall hold in trust for such College, and the said Church Estates Commissioners may sell and dispose of the same for the Purpose of effecting any such Purchase of Lands and Hereditaments, or either of them, as aforesaid, or of paying Money for Equality of Exchange as aforesaid, as Occasion may require; and in the meantime the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to such College, to be applied to the same Purposes as the annual Income was applicable which arose out of those Lands and Hereditaments from the Sale or Exchange of which the Money invested in such Stocks, Funds, and Securities was produced: Provided that nothing in this Section contained shall apply to any Estate of the College in reversion in Lands or Hereditaments expectant upon any Lease for Lives, or for a Term of Years determinable upon any Life or Lives, or for a Term of Years whereof more than Seven shall be unexpired, on which a Rent less than Three Fourths of the clear yearly Value of such Lands or Hereditaments shall have been reserved.¹

Powers of
University
to continue
in force

XLIX. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of

¹ This section is repealed by 21 & 22 Vict. c. 44. s. 5 (*infra*).

the Colleges and their Officers, shall continue in full Force. A.D. 1856.

L. In the Construction of this Act the Expression "University or College Emolument" shall include all Headships, *Downing* Professorships, Fellowships, Bye-Fellowships, Scholarships, Exhibitions, Bible Clerkships, Sizarships, Subsizarships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University; and the Word "Professor" shall be taken to include the Three Royal Professors of *Hebrew*, *Greek*, and Divinity, and Public Readers or Lecturers in the University, except the *Barnaby* Lecturers; and the Governing Body of any College shall mean the Head and all actual Fellows thereof, Bye-Fellows excepted, being Graduates, and in *Downing College* shall mean the Head, Professors, and all actual Fellows thereof, Bye-Fellows excepted, being Graduates; and the Word "Statutes" shall be taken to include all Ordinances and Regulations of the University, and all Ordinances and Regulations contained in any Charter, Deed of Composition, or other Instrument of Foundation or Endowment of a College, and all Byelaws, Ordinances, and Regulations; and the Word "Vacation" shall be taken to include that Part of *Easter* Term which falls after the Division of Term.

LI. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act, so far as relates to Land within the Town of *Cambridge* required for the Erection of any Buildings for the Extension of the Buildings of the said University, or of any College therein, and as if the Corporate Name of the University or College, as the Case

except as
altered by
this Act.
Interpreta-
tion of
Terms.

Parts of
Lands
Clauses
Act, 1845,
incor-
porated
herewith.

A. D. 1856. may be, had been inserted therein instead of the Expression
 "the Promoters of the Undertaking."¹

LII. The several Powers given by Sections Twenty-seven, Twenty-eight, Twenty-nine, Thirty, and Thirty-one of this Act may be exercised, notwithstanding anything contained in any Act of Parliament, Decree, or Order constituting, either wholly or in part, an Instrument of Foundation or Endowment, or confirming or varying any Foundation or Endowment, or otherwise regulating any Foundation or Endowment.

LIII. Where, upon an Application of the University as to any University Emolument, or upon the Application of any College as to any Emolument within such College, it may appear to the Commissioners that it would be advisable for the Purposes of this Act to suspend for a limited Period the Election to such Emolument (not being the Headship of a College or Hall), it shall be lawful for the Commissioners, by Instrument under their Common Seal, to authorize the University or such College, as the Case may be, to suspend such Election accordingly for such a Time as may appear to the Commissioners sufficient for the Purposes aforesaid.

SCHEDULE.

A. B., a Member of the Senate, doth hereby appoint *C. D.*, a Member of the Senate, to be the Proxy of the said *A. B.* in his Absence, and to vote in his Name at the Election of a Chancellor, or High Steward, as the Case may be, for the University of Cambridge, on the Day of next, in such Manner as he the said *C. D.* may think proper. In witness whereof the said *A. B.* hath hereunto set his Hand, the Day of (Signature) *A. B.*

¹ No licence in mortmain is necessary for a purchase under this section, see 40 & 41 Vict. c. 48. s. 60 (*infra*).

19^b & 20^o VICT. CAP. XCV.

An Act to give to the University of *Oxford* and A.D. 1856.
to Colleges in the said University, and to the
College of *Saint Mary of Winchester* near *Win-*
chester, Power to sell and exchange Lands, under
certain Conditions.¹ [29th July 1856.]

WHEREAS it is expedient that the University of
Oxford and the Colleges in that University, and
the College of *Saint Mary of Winchester* near *Winchester*,
should have Power, under certain Conditions, of selling and
exchanging their Lands or Hereditaments: And whereas
no Provision for that Purpose was made by the "*Oxford*
University Act, 1854:" Be it enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in
this present Parliament assembled, and by the Authority of
the same, as follows:

I. It shall be lawful for the said University and for any Colleges in
College in the said University respectively, and for the the Univer-
College of *Saint Mary of Winchester* near *Winchester*, sity of
with the Consent of the Church Estates Commissioners, *Oxford*
to sell any Estate in Lands or Hereditaments vested in may sell
such University or in such College, as the Case may be, and ex-
to exchange any Estate in Lands or Hereditaments for any change
other Lands or Hereditaments, or either of them, and upon Lands
any such Exchange to receive or pay any Money by way under
of Equality of Exchange; and all Monies which on any certain
such Sale or Exchange shall be received by or become Conditions.
payable to or for the Benefit of such University or College
shall be paid into the Bank of *England* for the Benefit of
such University or College, to such Account as the said
Church Estates Commissioners shall appoint in that Behalf,
and the Receipt of the said Church Estates Commissioners
shall be an effectual Discharge to any Purchaser for any
Money therein expressed to be received, and shall be

¹ This Act was repealed by 21 & 22 Vict. c. 44. s. 5 (*infra*).

A. D. 1856. Evidence of their Consent as aforesaid; and all Monies so paid into the Bank of *England* shall be applied in Payment for Equality of Exchange as aforesaid, or shall be laid out by such University or such College, with such Consent as aforesaid, in the Purchase of the absolute Estate of Freehold in other Lands and Hereditaments, or either of them, to be conveyed to the Use or for the Benefit of such University or College; and such Lands and Hereditaments, and any Lands and Hereditaments received in Exchange by such University or College, shall be held by the University or College, as the Case may be, upon the like Trusts and for the like Purposes as the Lands and Hereditaments sold or given in Exchange by such University or College respectively; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid shall be invested by and in the Names of the said Church Estates Commissioners in the Purchase of Government Stocks, Funds, or Securities, which the said Church Estates Commissioners shall hold in trust for such University or College, and the said Church Estates Commissioners may sell and dispose of the same for the Purpose of effecting any such Purchase of Lands and Hereditaments, or either of them, as aforesaid, or of paying Money for Equality of Exchange as aforesaid, as Occasion may require; and in the meantime the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to such University or College, to be applied to the same Purposes as the annual Income was applicable which arose out of those Lands and Hereditaments from the Sale or Exchange of which the Money invested in such Stocks, Funds, or Securities was produced: Provided that, except as herein-after mentioned, nothing in this Act contained shall apply to any Estate of the University or any College in Reversion in Lands or Hereditaments expectant upon any Lease for Lives, or for a Term of Years determinable upon any Life or Lives, or for a Term of Years whereof more than Seven shall be unexpired, on which a Rent less

than Three Fourths of the clear yearly Value of such Lands A. D. 1856.
or Hereditaments shall have been reserved.

II. The Powers and Provisions of this Act in relation to Act to extend to Lands held in trust for special endowments.
any Estate of Land and Hereditaments vested in the said University and in any College of such University respectively, and in the College of *Saint Mary of Winchester* near *Winchester*, shall extend and be applicable, not only to any Estate in Lands or Hereditaments so vested as the Property or for the general Purposes of such University or such College respectively, but also to any such Estate so vested which may be held in trust for any special Endowment or other Purpose connected with such University or College.

III. Provided also, That for facilitating such Transactions Colleges may accept Surrenders from Lessees in consideration of annual Payments, and may sell and exchange to or with such Lessees.
by way of Sale and Exchange between Colleges and their Lessees it shall be lawful for any College in the said University, and for the College of *Saint Mary of Winchester* near *Winchester*, with the Consent of the said Church Estates Commissioners, upon accepting the Surrender of the whole or any Part of the Lands or Hereditaments comprised in any Lease for Years or for Lives, to covenant or agree to pay to the Person so surrendering during the Residue then unexpired of the Term, or so long as such Lease, but for such Surrender, would have continued, an annual Sum equal to the Difference between the Rent reserved by such Lease, or (if Part only of the Land or Hereditaments comprised therein be surrendered) a proportional Part of such Rent, and the estimated annual Value of the Lands or Hereditaments so surrendered; and it shall also be lawful for such College upon accepting such Surrender as aforesaid, and with such Consent as aforesaid, to contract with the Lessee or Person so surrendering for the Sale or Exchange to or with such Lessee or Person of the Lands or Hereditaments comprised in the Surrender, such Lands and Hereditaments being for the Purpose of such Sale or Exchange valued as if in the Possession of such College discharged of such Lease, and to convey the same in pursuance of such Contract accordingly.

A. D. 1856. An Act to extend the Provisions of an Act of the Sixth and Seventh Years of Her Majesty, for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes. [24th July 1856.]

Section 22
of 6 & 7
Vict. c. 37.
to apply to
Ecclesiasti-
cal and
Collegiate
Corpora-
tions.

IV. The Powers and Provisions contained in the Twenty-second Section of the said first-recited Act, enabling any Person or Body Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical or Collegiate Corporation, aggregate or sole, to give or grant any Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, belonging to such Corporation, in such Manner as is in the said firstly and secondly recited Acts¹ mentioned, for the Purposes of the said recited Acts or of this Act: Provided always, that the said Powers shall not be exercised by the Incumbent of any Benefice with Cure of Souls without the Consent of the Patron of such Benefice.

Provisions
contained
in Section
20 of 6 & 7
Vict. c. 37.
extended.

XVI. The Provisions contained in the Twentieth Section of the said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in certain Cases, by the Authority therein referred to, shall apply to the Case of the Patronage of any Church or Chapel to which a District shall belong, and the Patronage of which is vested in the Incumbent of the original Parish, District, or Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or of any new Parish which shall hereafter be constituted under

¹ 6. & 7 Vict. c. 37 (*supra*) and 7 & 8 Vict. c. 94. which amended it in some particulars.

this Act, or of any existing Parish or District having neither A. D. 1856.
Incumbent nor Patron, or of any Benefice the Patronage of which is vested in the Crown, or in the Chancellor of the Duchy of *Lancaster*, or in the Duke of *Cornwall*, or of any Benefice the Patronage of which is vested in any Ecclesiastical or Lay Corporation, aggregate or sole; provided that the permanent annual Endowment of such Benefices respectively shall not exceed One hundred Pounds *per Annum*, nor the annual Income of the same from all Sources the Sum of Two hundred and fifty Pounds *per Annum*, such Income to be calculated by the said Commissioners in the Manner provided by the Eighth Section of an Act of the First and Second of *Victoria*, Chapter One hundred and six,¹ and when any Portion of such Income shall arise from Pew Rents, the Value of such Portion shall be calculated upon an Average of the Three Years last preceding.

[Sections 17-21 contain further provisions as to assignments of patronage and the conditions to be observed and consents required.]

19th VICT. *Cap. xvii.*

An Act to confirm an Award for the Settlement of Matters in difference between the University and Borough of *Cambridge*, and for other Purposes connected therewith.² [5th June 1856.]

¹ The section cited provides that in estimating the annual value of a benefice deduction shall be made from the gross income of 'all Taxes, Rates, Tenths, Dues, and other permanent Charges and Outgoings to which such Benefice shall be subject', but no deduction or allowance for 'any Stipend or Stipends to any Stipendiary Curate or Curates, nor for such Taxes or Rates in respect of the House of Residence on any Benefice or of the Glebe Land belonging thereto as are usually paid by Tenants or Occupiers, nor for Monies expended in the Repair or Improvement of the House of Residence and Buildings and Fences belonging thereto'.

² For the controversy and proceedings between the University and Town which led up to the passing of this Act—comprising a memorial of the 5th of February, 1852, by the town council to the Royal Commissioners for enquiring into the state, &c. of the University and Colleges, the reply thereto of the University on the 1st of June, recommendations by the Commissioners in their

A. D. 1856.

WHEREAS by a Letter bearing Date the Twenty-seventh Day of *December* One thousand eight hundred and fifty-four, addressed to the Right Honourable Sir *John Patteson* Knight, One of Her Majesty's most Honourable Privy Council, by the Chancellor, Masters, and Scholars of the University of *Cambridge*, and the Masters, Fellows, and Scholars, Masters and Fellows, Provost and Scholars, President and Fellows, and Master, Professors, and Fellows respectively of the several Colleges and Halls in the said University, and the Mayor, Aldermen, and Burgesses of the Borough of *Cambridge*, and sealed with their respective Seals, after reciting amongst other things that Differences had arisen and were still pending between them, they requested the said Sir *John Patteson* to hear them by their respective Counsel, Attorneys, Agents, or Witnesses, and to determine all the Matters in difference between them; and they further respectively agreed with each other respectively to abide by and keep such Award as the said Sir *John Patteson* might make in Writing concerning the Premises, and to apply to the Legislature for an Act or Acts of Parliament, and to take all such Steps as might be necessary for the Purpose of making his Award valid and binding on each of them, or which he in his Award might think fit to direct to be taken by them or any of them respectively; whereupon the said Sir *John Patteson* accepted the Reference thereby made to him, and was attended by the Counsel, Attorneys, and Agents of the respective Parties, and heard such Arguments and perused and examined such Documents, Papers, and Evidences as they thought proper to lay before him respecting the Matters in difference, and having maturely considered the same, made his Award in Writing concerning the Premises, on the Thirty-first Day of *August* One thousand eight

report of the 30th of August, negotiations for a settlement in 1853 abandoned in February, 1854, the reference in December, 1854, at the suggestion of Lord Palmerston of the points in dispute to arbitration, and the award of the arbitrator, Sir John Patteson—see Cooper's *Annals of Cambridge*, vol. 5, pp. 43-63, 75, 77, 105, 106, 148-156, 182, 183, 185-201.

hundred and fifty-five: And whereas it is expedient to A. D. 1856.
confirm the said Award with certain Variations made with
the Approbation of the said Arbitrator; but the Purposes
aforesaid cannot be effected without the Authority of
Parliament: May it therefore please Your Majesty that it
may be enacted; and be it enacted and declared by the
Queen's most Excellent Majesty, by and with the Advice
and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by
the Authority of the same, as follows; (that is to say), Preliminary.

I. This Act may be cited for all Purposes as "The Short Title.
Cambridge Award Act, 1856".

II. This Act shall, except in Cases where it is otherwise Com-
expressly provided, come into operation immediately after mence-
the passing thereof. ment of
Act.

III. In the construction of this Act (if not inconsistent Interpreta-
with the Context) the following Terms shall have the tion of
respective Meanings herein-after assigned to them; (that Terms.
is to say,)

"University," "Chancellor, Masters, and Scholars,"
"Senate," "Vice Chancellor," "Proctors," "Pro-proc-
tors," "Registrary," shall respectively be understood
to refer to the University of *Cambridge* :

"Borough," "Mayor, Aldermen, and Burgesses," "Council,"
"Borough Fund," "Mayor," "Bailiffs," "Aldermen,"
"Justices of the Peace," "Town Clerk," "Treasurer,"
"Clerk to the Justices," "Councillor," "Watch Com-
mittee," "Burgess," "Inhabitant," "Inspector of Weights
and Measures," shall respectively be understood to refer
to the Borough of *Cambridge* :

"Alehouse Licences" shall mean Licences for keeping
Inns, Alehouses, and Victualling-houses within the
Borough :

"College" shall include every Collegiate Foundation and
every public Academical Hall now established or
hereafter to be established within the University, or
within the Limits and Bounds of the Borough, and
when applied to a Place and not to a Body Corporate

A. D. 1856.

shall mean every Building, Room, and Chamber within the University or Borough occupied or used by any Collegiate Corporation or Society, and the official Residence of the Head, of any other Member thereof, and all Walks, Grounds, Gardens, and Groves appertaining thereto :

"Municipal Corporation Act" shall mean the Act Fifth and Sixth *William* the Fourth, Chapter Seventy-six,¹ and the respective Acts passed to amend the same :

"Improvement Acts" shall mean the *Cambridge* Improvements Acts, Twenty-eighth *George* the Third, Chapter Sixty-four,² Thirty-fourth *George* the Third, Chapter One hundred and four,³ and Ninth and Tenth *Victoria*, Chapter Three hundred and forty-five⁴ :

"Improvement Commissioners" shall mean the Commissioners acting in execution of the said last-mentioned Acts, or any one or more of them :

"Rates" shall mean all Local and Parochial Rates, but shall not include the Land Tax or any other Tax payable or to be payable to the Crown :

"Constabulary Force" shall mean the High and Chief Constables, and the Police Constables of the Borough, and the Constables of the respective Parishes therein, but shall not include the Proctors or Pro-proctors, or their Servants respectively, or Constables appointed under the Act Sixth *George* the Fourth, Chapter Ninety-seven.⁵

Oaths.

Oaths of
Mayor and
Bailiffs.

IV. The Mayor and Bailiffs shall not be required to take any Oath, or to make any Declaration for the Conservation of the Liberties and Privileges of the University.⁶

Oaths of
Aldermen,
&c.

V. The Oaths required of certain Aldermen, Burgesses, and Inhabitants by the Letters Patent of King *Henry* the Third, dated the Twentieth Day of *February* in the Fifty-second Year of His Reign, shall be abolished and not taken henceforth.

¹ *Supra.*

² *Supra.*

³ *Supra.*

⁴ *Supra.*

⁵ *Supra.*

⁶ For the forms of the oaths referred to in this and the following section see Cooper's *Annals of Cambridge*, vol. 5, pp. 43-45, 54, 55.

VI. The Power of the University exercised by the Proctors shall be continued as it now by Law exists. A. D. 1856.
Proctors.

VII. And whereas it is expedient that the Acts of the Proctors, Pro-proctors, and their Men, in the Exercise of such Power should not be subject to any summary Jurisdiction of Justices of the Peace: Be it further declared and enacted, That the Proctors, Pro-proctors, and their Men, are and shall be exempt from and not subject to the summary Jurisdiction of Justices of the Peace under the Statute Ninth George the Fourth, Chapter Thirty-one, or any other Statute in respect of any Act done or purporting to be done in the Exercise of the Authority of the Proctor, but without Prejudice to the Right of any Person to proceed against the Proctors, Pro-proctors, or their Men, civilly or criminally, in any of Her Majesty's Courts.¹ Continu-
ance of
Power of
the Pro-
ctors.
Exemption
of Proctors
from sum-
mary Juris-
diction of
Justices.
Alehouse
Licences.

VIII. The Power of the Vice Chancellor to grant Alehouse Licences within the Borough² is hereby abrogated, Exclusive
Privilege of

¹ By 57 & 58 Vict. c. lx. s. 7 (*infra*) the proctors and pro-proctors of Cambridge University have the powers of constables under 6 Geo. 4. c. 97 (*supra*), and may enter premises licensed for sale of intoxicating liquors, or places of public entertainment.

² The Act which first required alehouses to be licensed by Justices of the Peace (5 & 6 Edw. 6. c. 25) contained no saving in favour of the Universities, such as that in s. 8 of 7 Edw. 6. c. 5 (*supra*) with regard to licences for taverns for the sale of wine. Nevertheless at Cambridge the Vice-Chancellor of the University claimed and exercised from very early times the exclusive power of granting alehouse licences within the precinct of the University extending over the town and suburbs. Possibly the claim was based on the privilege which the University had enjoyed since 1382 (see Appendix I (*infra*)) of keeping the assize of ale; and it is to be observed that by 1 [2 [vulgo 1], Ruff.] Jac. 1. c. 9. s. 5 (*supra*) the Universities were given the jurisdiction within their precincts to punish alehouse keepers who allowed tippling in their houses. Saving clauses for the Universities are to be found in several Acts relating to Justices' or excise licences for alehouses and beerhouses; see (*supra*) 9 Anne c. 16 [c. 23., Ruff.] s. 54, 26 Geo. 2. c. 31. s. 15, 48 Geo. 3. c. 143. s. 8, 3 Geo. 4. c. 77. s. 25, 5 Geo. 4. c. 54. s. 6, 6 Geo. 4. c. 81. s. 30, 9 Geo. 4. c. 61. s. 36, 11 Geo. 4 & 1 Will. 4. c. 64. s. 29, and 5 & 6 Vict. c. 44. s. 6. These clauses merely preserve without confirming whatever right exists, except 5 Geo. 4. c. 54. s. 6 which does appear to recognize and confirm existing usage. In 6 & 7 Will. 4. c. 105. s. 12 (*supra*) is a carefully guarded proviso to prevent the Vice-Chancellor's licensing power being either increased or diminished by that Act. In the year of its passing (1836) the town justices held a meeting at which they granted licences for inns, alehouses, and victualling houses to a large number of persons

A. D. 1856. subject to the Provisions herein-after contained with respect to certain of such Licences, and saving to the Vice Chancellor the same Power as other Justices of the Peace may lawfully exercise.

Power to revoke Licences. IX. The Justices of the Peace may at any Time revoke any Alehouse Licence within the Borough, on the Complaint in Writing of the Vice Chancellor sent to the Clerk to the Justices, who shall forthwith upon the Receipt of such Complaint summon a special Session of the Justices of the Peace to consider the same, and give written Notice of the Complaint to the Person complained of, in order that he may make his Answer or Defence at such special Session.

Existing Licences to continue in force for a limited Period. X. Every Alehouse Licence granted by any Vice Chancellor, and now in force, shall so continue till the next general annual licensing Meeting, unless such Licence shall previously be revoked, on the Complaint of the Vice Chancellor, by the Justices of the Peace.

Wine Licences. XI. The Power of granting Wine Licences within the Borough shall continue in and be exercised by the Chancellor, Masters, and Scholars of the University in the same Manner as it is now exercised under ancient Usage, and the Provisions of the Statutes Tenth *George* the Second, Chapter Nineteen,¹ and Seventeenth *George* the Second, Chapter Forty,² but no Sum whatever shall be taken by

No Money to be taken for Licences.

who applied for them notwithstanding a warning notice issued by the Vice-Chancellor. (See Cooper, *Annals of Cambridge*, vol. 4. pp. 602-3.) In 1837 the justices obtained a rule *nisi* for a *quo warranto* information against the Vice-Chancellor to show by what authority he had taken on himself to grant alehouse licences; but on cause being shown on his behalf the Court of Queen's Bench discharged the rule (14th of June, 1838), being of opinion that no sufficient grounds had been given for calling upon him to justify the exercise of an ancient franchise which had been acquiesced in for centuries by the justices of the town and county. (*R. v. Archdall*, 8 Adolphus & Ellis 281.) Having arrived at this negative result neither party contested the matter further; and until the dispute was settled by this Act the town justices continued to exercise without interference by the University concurrent jurisdiction in the licensing of alehouses.

This Act did not affect the Vice-Chancellor's right to license alehouses within that part of the precinct of the University which is outside the borough; but the right was relinquished to the County Justices by grace of the Senate on the 30th of June, 1856 (Cooper, *Annals of Cambridge*, vol. 5. p. 221).

¹ *Supra.*

² *Supra.*

the University from the Persons to whom Wine Licences A. D. 1856. are granted for or in respect of the Grant of the same.¹

XII. The Chancellor, Masters, and Scholars lawfully can and may from Time to Time delegate to the Vice Chancellor the Power to grant Wine Licences, and it is not and shall not be necessary that they should be under the Common Seal of the University.

Power may be delegated to Vice Chancellor.
Weights and Measures.

XIII. All Powers and Authorities with respect to the Supervision of Weights and Measures in the Borough (except Powers and Authorities incidental to the Office of Inspector) shall be transferred from the University and its Officers to the Justices of the Peace of the Borough.²

Certain Powers of University to be exercised by Justices.

XIV. The Vice Chancellor shall have Authority from Time to Time to appoint an Inspector or Inspectors of Weights and Measures, and the Council shall have the like Authority, provided that the Inspectors appointed by the Vice Chancellor and the Council respectively have only concurrent Power, and the University shall provide from its own Funds for the Remuneration of every Inspector appointed by the Vice Chancellor.

Appointment of Inspectors.

Markets and Fairs.

XV. The Privileges, Powers, and Authorities heretofore exercised by the University and its Officers with respect to the Markets and Fairs of and within the Borough shall be abolished.³

Abolition of Privileges of University.

Public Exhibitions.

XVI. No occasional public Exhibition or Performance, whether strictly theatrical or not, other than Performances in Theatres which are regulated by the Act Sixth and Seventh

Occasional public Exhibitions.

¹ By 10 Geo. 2. c. 19. s. 4 (*supra*) a customary annual payment was allowed to be taken for wine licences in Cambridge. See Cooper, *Annals of Cambridge*, vol. 5. p. 57.

² As to the supervision of weights and measures in the town of Cambridge and suburbs thereof and the appointment of inspectors see 5 & 6 Will. 4. c. 63. s. 44. and note thereto (*supra*).

³ The clerkship of the market in the town and in Barnwell or Midsummer Fair and Sturbridge Fair was granted to the University by the charter of the 3rd year of Queen Elizabeth (26th of April, 1561) confirmed by 13 Eliz. c. 29 (*supra*). For the University's powers in regard to bread, meat, fish, and other victuals which would be sold in market see 5 Ric. 2. Appendix I (*infra*) and 24 Hen. 8. c. 3. s. 4 (*supra*). See also 13 & 14 Vict. c. xxxvii (*supra*). The Proctors with two other officers called Taxers were Clerks of the Market (Carter, *History of the University of Cambridge*, p. 9). By grace of the Senate of the 30th of June, 1856, the salaries of the Taxers were discontinued.

A. D. 1856. *Victoria*, Chapter Sixty-eight¹ shall take place within the Borough (except during the Period of *Midsummer Fair*, or in the Long Vacation), unless with the Consent in Writing of the Vice Chancellor and the Mayor, and every Person who shall offend against this Enactment shall be liable to forfeit a Sum not exceeding Twenty Pounds, recoverable in like Manner as Penalties imposed by the said Act.²

Discommuning.

Continuance of discommuning Power with certain Limitation.

XVII. The Power of discommuning, by which Members of the University in *statu pupillari* are prohibited from dealing with such persons as have or shall have infringed or not complied with Rules or Decrees made from Time to Time by the Authorities of the University, and publicly proclaimed, shall be continued: Provided nevertheless, that Notice shall be given to the Person in respect to whom the Power is proposed to be exercised in order that he may attend, if he think fit, to show that the Rules have not been infringed, or to explain the Circumstances under which they have been infringed; and provided further, that the said Power shall not extend to discommune any Person for adopting legal Remedies for the Recovery of a Debt without having given previous Notice to the University or College Authorities, or to the Deprivation or Suspension of a Wine Licence.

Conusance of Pleas, &c.

Abolition of Conusance of Pleas in certain Cases.

XVIII. The Right of the University or any Officer thereof to claim Conusance of any Action or criminal Proceeding wherein any Person who is not a Member of the University shall be a Party, shall cease and determine.³

Convictions of Members

XIX. As often as any Member of the University shall be convicted by any Justice of the Peace of any Offence,

¹ *Supra.*

² By 57 & 58 Vict. c. lx. s. 11 (*infra*) the exception for *Midsummer Fair* and the Long Vacation has been abrogated, and the consent of the Vice-Chancellor is no longer required.

³ Richard the Second granted to the University by charter in the 7th year of his reign (10th of December, 1383) conusance of all personal pleas, debts, accounts, contracts, and injuries, as well as breaches of the peace and misprisions, except felony and mayhem, within the town and suburbs, 'ubi magister scolæ serviens scolæ aut communis minister dicte Universitatis unus partium fuerit.' This grant was in confirmation of a privilege previously granted in more general terms. For confirmations in Parliament of these privileges see 9 Hen. 6 (*supra*) and 13 Eliz. c. 29 (*supra*).

a Duplicate or Copy of his Conviction shall be forthwith sent by the Clerk to the Justices to the Vice Chancellor, and in such Case, and also in the Case of any Dismissal by any Justice of the Peace of any Charge against any Member of the University, the Clerk to the Justices shall forthwith, after Application made to him by the Vice Chancellor for a Copy of the Depositions, furnish the same to the Vice Chancellor without making any Charge for the same.¹

A. D. 1856.
of the University.

Notice to Vice Chancellor of certain Convictions, &c.

University Constables.

XX. The Vice Chancellor shall send to the Town Clerk a Duplicate or Copy of every Certificate of the Appointment of a Constable under the Act Sixth George the Fourth, Chapter Ninety-seven,² as soon as practicable after such Certificate shall be made.

Copies of Certificates to be sent to Town Clerk.

Rates on University and College Property.

XXI. The Property of the University herein-after specified is situate within the Parishes in the Borough herein-after respectively mentioned ; (that is to say,)

University Property.

The *Senate House* in the Parish of *Saint Mary the Great* ;
The *Senate House Yard* in the Parishes *Saint Mary the Great* and *Saint Edward* ;

The *University Library*, with the Lecture Rooms, Schools, and Museums thereunder, in the Parishes of *Saint Mary the Great* and *Saint Edward*, what was lately *King's College Old Court* in the Parish of *Saint John* ;

The *Pitt Press* in the Parish of *Saint Botolph* ;

The *Fitzwilliam Museum* in the Parish of *Saint Mary the Less* ;

The *Old Botanic Garden* in the Parishes of *Saint Edward* and *Saint Benedict* ;

The *Theatre of Anatomy* and the Lecture Rooms adjacent in the Parish of *Saint Benedict* ;

The *New Botanic Garden* in the Parish of *Saint Andrew the Less* ;

¹ The Act 9 Geo. 4. c. 31, which gave to justices of the peace summary jurisdiction in respect to certain offences, contained no saving clause in favour of the Universities.

² *Supra.* As to the joint police force of the University and town see ss. 51-55 (*infra*).

A. D. 1856. *The Spinning House* in the Parish of *Saint Andrew the Great* ;

The Observatory in the Parish of *Saint Giles* ;
and so much of the said Property as shall not be exempt
from Rates under the subsequent Provisions of this Act
shall be assessed to Rates (Rates made under the Improve-
ment Acts excepted) in the said Parishes respectively.

College
Property.

XXII. The Property occupied by the several Colleges,
and herein-after specified, is situate within the Parishes in
the Borough herein-after respectively mentioned ; (that is
to say,)

Saint Peter's College in the Parish of *Saint Mary the Less* ;

Clare College in the Parish of *Saint John* ;

Pembroke College in the Parishes of *Saint Mary the Less*
and *Saint Botolph* ;

Gonville and Caius College in the Parish of *Saint*
Michael ;

Trinity Hall in the Parish of *Saint John* ;

Corpus Christi College in the Parishes of *Saint Benedict*
and *Saint Botolph* ;

King's College in the Parishes of *Saint John*, *Saint*
Benedict, *Saint Edward*, *Saint Giles*, and *Saint Mary*
the Great ;

Queen's College in the Parish of *Saint Botolph* ;

Saint Catharine's College in the Parishes of *Saint Bene-*
dict, *Saint Botolph*, and *Saint Edward* ;

Jesus College in the Parishes of *Saint Rhadegund* and
All Saints ;

Christ's College in the Parishes of *Saint Andrew the*
Great and *Saint Andrew the Less* ;

Saint John's College in the Parishes of *All Saints*, *Saint*
Giles, and *Saint Peter* ;

Magdalen College in the Parishes of *Saint Giles* and
Saint Peter ;

Trinity College in the Parishes of *All Saints*, *Saint Giles*,
and *Saint Michael* ;

Emmanuel College in the Parish of *Saint Andrew the*
Great ;

Sidney Sussex College in the Parish of All Saints ;

A. D. 1856.

Downing College in the Parishes of Saint Benedict, Saint

Botolph, and Saint Mary the Less ;

and so much of the Property of the said several Colleges as shall not be exempt from Rates under the subsequent Provisions of this Act shall be assessed to Rates (Rates made under the Improvement Acts excepted) in the said Parishes respectively.

XXIII. No Rate whatever shall be assessed or imposed upon or in respect of the *Senate House*, the *University Library*, the *Schools* or the *Museums of Science, Laboratories, or Lecture Rooms* for the Time being of the University, nor upon or in respect of the *Chapels or Libraries* for the Time being of any College ; provided, that the Buildings, Rooms, or Places respectively hereby exempted from Rates be used for the Purposes aforesaid at the Time of making the Valuation for Assessment then in force.¹

XXIV. As respects College Property, the whole thereof shall be deemed to be in the Occupation of the College, although Parts may be exclusively occupied by individual Members thereof or Students ; and the College, if a Corporation, shall be assessed for the same in its Corporate Name ; and for the Property of any College not incorporated the Head thereof shall be assessed, and shall be liable to pay all Rates, although he himself may not occupy the whole or any Part of the Property rated.²

XXV. The Amount at which Property occupied by the University or any College shall be assessed shall as soon as practicable, be determined by Two Valuers, or their Umpire, One of such Valuers to be appointed by the Vice Chancellor, and the other by the Mayor ; and such Two Valuers shall appoint an Umpire before entering upon their Valuation, or in case they cannot agree in the Choice

¹ Sections 23, 25 to 31, 37, 38, 50, and 56 to 61 were repealed by Art. 14 of the Cambridge Order, 1889, confirmed by 52 & 53 Vict. c. cxvi (*infra*).

² But see as to the Parliamentary votes in respect of occupation of college rooms 48 & 49 Vict. c. 15. s. 15 (*infra*).

A. D. 1856. of an Umpire such Umpire shall be chosen by the Poor Law Board.¹

Ground
Plans to
define
Parochial
Bound-
aries.

XXVI. As respects Property occupied by the University, or any College situate in more than One Parish (whether such Property be rateable or exempt from Rates), the said Valuers or Umpire shall make duplicate Ground Plans thereof, whereupon the Parochial Boundaries shall be marked, and such Ground Plans shall be signed by the Valuers or Umpire, and shall be deemed conclusive Evidence of such Boundaries, and One Duplicate of the Valuation and Ground Plans aforesaid shall be deposited in the Registry's Office, and the other in the Town Clerk's Office, for the free Inspection at all seasonable Times of all Parties interested.¹

Provision
for fresh
Valuations
of Univer-
sity and
College
Property.

XXVII. At any Time after Three Years from the Completion of the First or any subsequent Valuation of Property occupied by the University or any College, the Vice Chancellor or Mayor respectively may by Notice in Writing to the other of them require a fresh Valuation to be made, and the same shall be made accordingly, in like Manner in all respects as the First Valuation.¹

Powers of
Valuers.

XXVIII. The said Valuers and Umpire respectively shall have free Access to the Rate Books of every Parish, and also the same Powers which by the Act to regulate Parochial Assessments (Sixth and Seventh *William* the Fourth, Chapter Ninety-six, Section Four), are given to Surveyors acting thereunder.¹

Valuations
to be con-
clusive.

XXIX. Every Valuation of Property occupied by the University or any College during the Time it continues in force shall be final and conclusive on all Parties interested, nor shall any Rate be subject to Objection, on Appeal or otherwise, in respect of the Amount at which any Property comprised in the Valuation in force for the Time being shall be assessed, provided such Amount be in conformity with such Valuation.¹

As to Costs
of Valua-
tions.

XXX. The Costs of and incidental to the making of the Ground Plans herein-before directed, and also the

¹ Repealed. See note to s. 23.

Costs of and incidental to the First Valuation of Property A. D. 1856. occupied by the University or any College, shall be paid in equal Proportions by the Vice Chancellor (on behalf of the University and Colleges), and by the Mayor, Aldermen, and Burgesses; and the Vice Chancellor shall have Power to demand and collect from the several Colleges their respective Shares of such Proportion, according to the Amount of their respective Assessments; and in default of any special Agreement as to the Costs of and incidental to any subsequent Valuation which shall be required by the Vice Chancellor, such Costs shall be paid by the Chancellor, Masters, and Scholars, and in default of any special Agreement as to the Costs of and incidental to any subsequent Valuation which shall be required by the Mayor, such Costs shall be paid by the Mayor, Aldermen, and Burgesses.¹

XXXI. Any Property occupied by the University or by any College, which may be acquired by the University, or by any College after any Valuation shall have been made, or which may be accidentally omitted therefrom, shall (if not exempt from Rates under the Provisions of this Act or otherwise) be rated in the ordinary Manner until a new Valuation be made, when such Property shall be included in such new Valuation, if not exempt as aforesaid.¹

XXXII. *Magdalen College* shall be exonerated from the Payment of all Rates imposed before the passing of this Act in the several Parishes of *Saint Giles* and *Saint Peter* in respect of any Property for which such College had not previously paid Rates, and the Council may make such Orders as may appear equitable for Payment out of the Borough Fund to the said Parishes, or either of them, of Compensation for the Loss sustained by such Parishes, or either of them, by reason of this Enactment.

XXXIII. The Liability of the University and Colleges to pay any Money under a certain Agreement made in *October* One thousand six hundred and fifty, or under any previous or subsequent Agreement on the same Subject,

• ¹ Repealed. See note to s. 23.

A. D. 1856. shall cease from the Time when by the Operation of this Act the Property occupied by the University and Colleges shall be actually assessed to the Poor Rate of any Parish.¹

Vestry Meetings.

XXXIV. As respects any Vestry to be holden in any Parish wherein the University or any College shall be charged to the Rate for the Relief of the Poor, the Vice Chancellor, or some Member of the Senate deputed by him, shall be deemed the duly authorized Agent of the University, and the Head of such College, or some Member of the College deputed by him, shall be deemed the duly authorized Agent of such College, within the Intent and Meaning of the Act Fifty-ninth *George* the Third, Chapter Eighty-five, Section Two.

Exemption from Municipal and Parochial Offices, &c.

XXXV. No Member of the University or of any College shall, by reason of any Rate on the Property occupied by the University or by such College, be entitled to be registered as an Elector of the Borough, or to be enrolled as a Burgess thereof, or be compellable to serve any Municipal or Parochial Office, or to serve or to be empannelled on any Jury or Inquest, or to perform any Service imposed on Ratepayers.

Union of Parishes, &c.

Relief in Cambridge Union to be borne by Common Fund.

XXXVI. So much of the Twenty-sixth Section of the Seventy-sixth Chapter of the Fourth and Fifth *William* the Fourth as provides that in any Union each of the Parishes shall be separately chargeable with and liable to defray the Expense of its own Poor, whether relieved in or out of the Workhouse, and so much of the Twenty-eighth Section of that Act as provides for the Mode of calculating the Average according to which the Contribution of Parishes in Unions shall be calculated, shall, in respect of the *Cambridge* Union, from and after the Twenty-ninth Day of *September* One thousand eight hundred and fifty-six, be

¹ By the agreement referred to, of the 25th of October, 1650, the Colleges undertook upon certain conditions to contribute £120 a year for relief of the poor of Cambridge, in lieu of previous payments of £4 a month, the University to be free from all other contribution to the poor. On the 20th of December, 1792, the Colleges agreed to increase their contribution to £207 16s. od. a year. In 1852 the contribution was £240 a year. (See Cooper, *Annals of Cambridge*, vol. 3. pp. 438, 613, vol. 4. p. 442, vol. 5. pp. 52, 62.)

of none Effect; and thenceforth all the Costs and Charges A. D. 1856. for the Relief of the Poor in the several Parishes in the said Union shall be borne by One Common Fund, to which such Parishes shall contribute in proportion to the annual rateable Value of the Lands, Tenements, and Hereditaments therein assessable by Law to the Relief of the Poor; and the Guardians of the said Union shall make their Orders for Contribution upon the Churchwardens and Overseers of such Parishes respectively according to such Proportion.

XXXVII. The said Guardians may at any Time cause Guardians may obtain Valuation of rateable Property. a Survey and valuation of the rateable Property, or any Part thereof, in any of such Parishes, to be made for the Purpose of ascertaining the true annual rateable Value thereof; and when such Survey and Valuation shall have been made and completed, the Guardians shall cause a Notice thereof to be published in some Newspaper circulating in the said Union; and the Valuation shall be deposited at the Office of the Clerk of the Guardians for the Inspection of all Persons interested therein without Fee or Reward for the Space of Seven Days next following the Date of such Publication; and the said Guardians, after the Expiration of such Period, may reject such Valuation, or adopt it as the Basis upon which to calculate the future Contributions of such Parish or Parishes to the said Common Fund, until the same be set aside or altered as herein-after provided or a fresh Valuation be made: Provided, that as regards any Property occupied by the University or any College, the same shall be valued as in this Act provided.¹

XXXVIII. If any Person assessed to the Poor Rate Provision for Appeal against such Valuation. in any Parish in the said Union, or liable to be assessed thereto, shall think himself aggrieved by such Valuation, he may appeal to the next practicable Quarter Sessions for the Borough, giving Notice in Writing of such Appeal to the Clerk of the said Guardians, and such Court shall hear and determine such Appeal by setting aside, confirming, or amending such Valuation, and make such Order as to the

¹ Repealed. See note to s. 23.

A. D. 1856. Costs attending such Appeal as in the Judgment of the Court shall be proper.¹

Until Valuation be made Contributions to be calculated according to Poor Rate. XXXIX. Until such Valuation shall be made and completed, the Guardians, in making their Orders for Contribution on the Churchwardens and Overseers of the several Parishes, shall take the annual rateable Value of such Property in every Parish from the Assessment made for the Relief of the Poor next preceding the making of such Orders.

Saving as to Error in Contribution Orders. Rate books, &c. to be produced to Guardians by Parish Officers. XL. No Order for Contribution shall be deemed invalid by reason of Error in the Estimate of the rateable Value of Property upon which such Order shall have been calculated.

XLI. Every Churchwarden, Overseer, or Collector of any Parish in the said Union shall, when required so to do, produce to the Guardians as they shall direct any Rate Book, Assessment, or Valuation of rateable Property in his Possession or under his Control, for the Purposes of enabling the Guardians to ascertain the rateable Value of the Property in such Parish; and any such Churchwarden, Overseer, or Collector wilfully neglecting or refusing to produce the same shall for every such Offence pay to the Treasurer of the said Guardians such Sum, not exceeding Five Pounds, as any Two Justices shall order and direct, which Sum shall be recoverable, with Costs, in the Manner provided by the Eleventh and Twelfth *Victoria*, Chapter Forty-three, and such Penalties shall be placed to the Account of the Common Fund of the Union.

All Payments to be made by Guardians out of the Common Fund. XLII. The Guardians shall pay out of the Funds raised by the Contributions to be made according to the Provisions herein contained all the Costs and Charges of and for the Relief of the Poor in the several Parishes comprised in the said Union, together with all other Expenses attending the carrying into effect the Provisions herein-before contained relating to the Relief of the Poor, or set forth in the Seventy-sixth Chapter of the Fourth and Fifth *William* the Fourth, and of the several Acts for amending and extending the same, and the Orders of the Poor Law

¹ Repealed. See note to s. 23.

Commissioners and the Poor Law Board already or here- A. D. 1856.
after to be issued and directed to the said Guardians, so far
as such Acts and Orders are applicable to such Union and
the several Parishes comprising the same, or the Poor
thereof, and all other Charges and Expenses payable by
such Guardians by virtue of their Office.

XLIII. The Guardians shall, as soon as may be after the
passing of this Act, pay out of the Moneys in their Hands Outstand-
ing Debts
to be
paid off.
the outstanding Debts and Charges heretofore incurred for
the building or enlarging of the Union Workhouse, and the
Purchase of the Industrial Training Ground, and charged
upon the Poor Rates of the said Union or of the said
Parishes, or either of them, so far as they may be able to
do so, and having due regard to the respective Liabilities of
the several Parishes towards those Debts.

XLIV. The Guardians may from Time to Time obtain Orders for
Removal of
Paupers
and for
Mainten-
ance of
Lunatics.
Orders of Justices, upon their Complaint (in like Manner
and with the same Powers, Incidents, and Authorities, and
subject to the like Liabilities, as the Churchwardens and
Overseers of the Poor of any Parish are by Law now
empowered, entitled, or subject to), for the Removal of
any poor Person, who, not being settled in any Parish in
the said Union nor exempt from Removal, shall be or
become chargeable to the said Common Fund (the Charge-
ability to such Fund being in all Cases deemed for the
Purpose of such Order a Chargeability to the Parish
wherein such poor Person shall inhabit), and the said
Guardians shall receive every poor Person removed by
Order to any Parish in such Union, and may appeal
against any such Order, or any Order for the Maintenance
of a pauper Lunatic, in like Manner and with the like
Liabilities and subject to the same Provisions as such
Churchwardens and Overseers.

XLV. No poor Person who would be removable if this Act not to
affect Re-
movability
of Poor.
Act had not passed shall be or become irremovable by
reason of anything in this Act contained.

XLVI. From the said Twenty-ninth Day of *September* Union of
certain
Parishes.
One thousand eight hundred and fifty-six the Parish of

A. D. 1856. *Saint Rhadegund* shall for all Purposes be united to and form Part of the Parish of *All Saints*, and the Parish of *Saint John the Baptist* shall for all Purposes be united to and form Part of the Parish of *Saint Edward*.

Guardians may make and revoke Orders under Small Tenements Rating Act. XLVII. From and after the Twenty-ninth Day of *September* One thousand eight hundred and fifty-six the Powers of the Vestries of the several Parishes in the *Cambridge* Union to make or rescind Orders for putting in force the Provisions of the Thirteenth and Fourteenth *Victoria*, Chapter Ninety-nine, may be exercised by the Guardians of the said Union exclusively of such Vestries.

Property occupied by Corporation and Guardians exempt from Poor Rates. XLVIII. The Lands, Tenements, and Hereditaments in any of the said Parishes which may, on or after the said Twenty-ninth Day of *September* One thousand eight hundred and fifty-six, be occupied by the Mayor, Aldermen, and Burgesses, or by the Guardians of the Poor of the said Union, shall whilst so occupied respectively be exempt from Poor Rates.

Costs of Guardians in procuring this Act. XLIX. The Guardians of the said Union may pay all the Costs and Charges incurred by them in and about the procuring of this Act, when duly taxed by the proper Officer, out of the Moneys in their Possession.

Improvement Quota. Reduction of University Quota under Improvement Acts. L. So much of the Improvement Acts as enacts that Two Fifths of the annual Sum or Sums to be ascertained and raised under those Acts shall be paid by or on account of the University shall be repealed, and for the future One Fourth only of the annual Sum or Sums which the Improvement Commissioners shall from Time to Time ascertain and direct to be raised shall be paid by or on account of the University in the Manner provided and under the Powers given by the Improvement Acts, which Quota shall be in lieu and instead of any Assessment or Rate on the University or Colleges; and no other Assessment or Rate shall be made on them under the Improvement Acts, and the remaining Part of such annual Sum or Sums shall be paid in the Manner provided by those Acts.¹

¹ Repealed. See note to s. 23. As to the University quota see 28 Geo. 3. c. 64. s. 113. (*supra*) and 34 Geo. 3. c. 104. s. 1 (*supra*).

LI. From and after the Ninth Day of *November* One thousand eight hundred and fifty-six the Watch Committee of the Borough shall consist of—

A. D. 1856.
Watch
Committee.

The Mayor for the Time being;

Nine other Members of the Council, appointed by the Council;

Constitu-
tion of
Watch
Com-
mittee.

Five Members of the University, being Members of the Senate, appointed by the Senate;

and at any Meeting of such Committee the Mayor, if present, shall be the Chairman; and in the Absence of the Mayor a Chairman shall be chosen by the Members of the Committee then present; and in all Cases where the Votes are equal the Chairman shall have a Second or Casting Vote.¹

LII. The Appointment of Members of the Watch Committee by the Council and Senate respectively shall be made on or before the Ninth Day of *November* in each Year, unless in any Year in which that Day shall be *Sunday*, and in such Year the said Appointment may be made on the Day following; and the Members of the Watch Committee shall continue in Office from the Tenth Day of *November* in the Year of their Appointment until and including the Ninth Day of *November* in the following Year.

Watch
Committee
to be ap-
pointed
annually.

LIII. Occasional Vacancies in the Watch Committee may be filled up by the Council or Senate respectively as the same may occur; and the Persons appointed to supply such Vacancies shall continue in Office for the Residue of the current Year.

For Supply
of occa-
sional
Vacancies.

LIV. The Town Clerk shall from Time to Time, with all practicable Despatch, notify in Writing to the Vice Chancellor all Appointments of Members of the Watch Committee made by the Council, and the Registrary shall in like Manner notify in Writing to the Town Clerk all

Notice of
Appoint-
ment of
Members
of Watch
Com-
mittee.

¹ As to the continued power of the University to appoint constables under 6 Geo. 4. c. 97 (*supra*) see s. 20 (*supra*); and as to the powers of the Proctors and Pro-proctors to act as constables under that Act see 57 & 58 Vict. c. lx. s. 7 (*infra*).

A. D. 1856. Appointments of Members of the Watch Committee made by the Senate.

Powers of Watch Committee. LV. The Determination of the Number, the Appointment, Dismissal, and entire Management and Direction of the Constabulary Force shall be vested in such Watch Committee, but the said Watch Committee shall not have the Power of making Orders for the Payment of Money out of the Borough Fund.

Borough Fund.
Senate to appoint Three Auditors to join in auditing Borough Fund. LVI. And whereas it is expedient to provide Means for giving to the University and Colleges a Knowledge of any intended Expenditure from or out of the Borough Fund, and for urging any Objections they may have to it, as well as for giving the Right of removing Orders for Payment of Money into the Court of Queen's Bench, under the Statute Seventh *William* the Fourth and First *Victoria*, Chapter Seventy-eight, or other Statutes: Be it enacted, That the Senate shall annually appoint Three Members of the Senate to audit the Accounts of the Treasurer of the Borough conjointly with the Three Auditors elected and appointed under the Municipal Corporation Act; but it shall not be necessary that the Auditors so appointed by the Senate (herein-after termed University Auditors) should take any Oath or make any Declaration.¹

Duration of Office of University Auditors. LVII. The University Auditors shall continue in Office from the First Day of *March* in the Year of their Appointment, until and including the last Day of *February* in the following Year.¹

For Supply of occasional Vacancies. LVIII. Occasional Vacancies in the Office of University Auditor may be filled up by the Senate as the same may occur, and the Persons appointed to supply such Vacancies shall continue in Office for the Residue of the current Year.¹

Notice of Appointment of University Auditors. LIX. The Registrary shall from Time to Time notify in Writing to the Town Clerk all Appointments of University Auditors.¹

Certain Matters to be submitted to LX. The Council of the Borough shall annually appoint a Finance Committee, and every Question concerning the Payment of Money out of the Borough Fund shall be sub-

¹ Repealed. See note to s. 23.

mitted to the Finance Committee Six Days at least before the same is brought under the Consideration of the Council.¹

A. D. 1856.
Finance
Committee
before sub-
mitted to
Council.

LXI. The University Auditors shall have Three Days Notice of every Meeting of the Finance Committee for the Purposes herein-before mentioned, and of the Business to be transacted at such Meeting; and they or any of them shall be at liberty to attend at such Meeting, and to be heard on the Matters and Business then brought forward, but shall not have any Right of voting.¹

University
Auditors to
have Notice
of Meeting
of Finance
Committee.

LXII. The Vice Chancellor or his Locum tenens, and the Head of every College or his Locum tenens, shall have all the Privileges conferred on any Burgess or on any Alderman or Councillor by the Acts Fifth and Sixth *William* the Fourth, Chapter Seventy-six, Section Ninety-three, and Seventh *William* the Fourth and First *Victoria*, Chapter Seventy-eight, Section Twenty-two, or by this Act, and shall be deemed Persons interested in the Borough Fund within the Intent and Meaning of the Forty-fourth Section of the last-mentioned Act and of this Act.

Vice Chan-
cellor and
Heads of
Colleges to
have all
Privileges
and Rights
conferred
by 5 & 6
W. 4. c. 76.
s. 93.,
7 W. 4. &
1 Vict. c. 78.
s. 22.

LXIII. Except as herein-after stated, all Parties shall bear and pay their own Costs of the said Reference.

Parties to
bear their
own Costs
of Refer-
ence.

LXIV. One equal Moiety of the Costs common to both the said University and the said Borough, and also of the Costs of and incidental to this Act, shall be paid by the Chancellor, Masters, and Scholars of the University, and the other of such equal Moieties shall be paid by the Mayor, Aldermen, and Burgesses out of the Borough Fund.

As to Ex-
penses of
Act, &c.

20° & 21° VICT. CAP. XXV.

An Act to continue the Powers of the Commis- sioners under an Act of the Seventeenth and Eighteenth Years of Her Majesty concerning the University of *Oxford* and the College of

A. D. 1857.

¹ Repealed. See note to s. 23.

A. D. 1857. *St. Mary Winchester*, and further to amend the said Act.¹ [10th August 1857.]

^{17 & 18}
Vict. c. 81.^a

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-one, to make further Provision for the good Government and Extension of the University of *Oxford*, of the Colleges therein, and of the College of *St. Mary Winchester*, and the said Act has been amended by an Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Thirty-one: And whereas by the first-recited Act it was provided that the Powers thereby conferred on the Commissioners for the Purposes of that Act should be in force until the First Day of *January* One thousand eight hundred and fifty-seven, and that it should be lawful for Her Majesty, if She should think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and fifty-eight, and no longer: And whereas Her Majesty, by and with the Advice of Her Privy Council, has continued the said Powers until the First Day of *January* One thousand eight hundred and fifty-eight: And whereas it is expedient that the said Powers should be further continued, and that the said first-recited Act should be amended as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons. in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of
the Com-
missioners
continued
until
1st July
1858.

I. The Powers conferred on the Commissioners by the first-recited Act, as extended by the secondly-recited Act and this Act, shall continue until the First Day of *July* One thousand eight hundred and fifty-eight; and all Powers, which under the said recited Acts respec-

¹ For short title of this Act, 'The Oxford University Act, 1857,' see 40 & 41 Vict. c. 48. s. 1 and Schedule (*infra*).

² *Supra*.

³ *Supra*.

tively might have been exercised by Colleges or other Bodies or Persons during the Continuance of the Powers of the Commissioners under the first-recited Act, shall continue and may be exercised until the said First Day of *July* One thousand eight hundred and fifty-eight.

II. It shall be lawful for the Commissioners under the said Act of the Seventeenth and Eighteenth Years of Her Majesty to frame such Ordinance or Ordinances as may appear to them expedient for consolidating the Foundation of *John Michel* Esquire in the *Queen's College* in the said University with the Foundation of *Robert de Eglesfield*, commonly called the Old Foundation, in the said College, and for vesting the Endowments, Lands, Advowsons, and Real and Personal Property vested in the Visitors of the said Foundation of *John Michel*, or otherwise held for the Benefit of such Foundation, in the Provost and Scholars of the said *Queen's College*, and for placing the Foundation so consolidated under the Visitorship of the Lord Archbishop of *York*, the present Visitor of the Old Foundation of the said *Queen's College*, and for providing for the Discharge of the Duties of the Visitors of the Foundation of *John Michel* as towards the existing Fellows, Scholars, and Exhibitioners of that Foundation, and for establishing in respect of such consolidated Foundation, and the Emoluments, Property, and Income thereof, any such Regulations as under the said Act might be established in respect of a College of One Foundation and the Property and Income and College Emoluments thereof ; such Ordinance or Ordinances, if sanctioned and confirmed as required in respect of the Ordinances framed by the Commissioners under Sections Twenty-eight and Twenty-nine of the same Act, shall take effect for the Purposes aforesaid in the same Manner as if it had been within the Powers vested in the Commissioners under the said Sections, and all the Provisions of the said Act and the Act amending the same applicable to Ordinances framed by the Commissioners under the said Act shall be applicable to such Ordinance

The Foundation of Mr. John Michel may be consolidated with the Old Foundation of Queen's College.

A. D. 1857. or Ordinances as may be framed under the Powers of this Act.¹

Power to
Colleges
with Con-
sent of
Visitor to
apply Pro-
perty held
for Pur-
chase of
Advowsons
for Benefit
of Colleges,
&c.

III. It shall be lawful for any College within the University from Time to Time, with Consent of the Visitor, to appropriate and apply any Property, or the Income of any Property, held by or in trust for the College, for the Purpose that the same, or the Income thereof, may be applied in purchasing Advowsons for the Benefit of the College, to the Augmentation of the Endowment of Livings in the Patronage of the College to such Amount as may be by Law allowed, or towards the building of fit and suitable Parsonage Houses on any Livings in the Patronage of the College, or to the Foundation or Augmentation of Scholarships or Exhibitions, or to other Purposes for the Advancement of Religion, Learning, and Education within the College; and in exercise of this Power the College may annex to any Living in the Patronage of the College (by way of Augmentation of the Endowment of such Living) any Tithe Rentcharge which may be vested in the College, or any Portion thereof, in consideration of the Appropriation to other Purposes of the College of a Part of the Trust Property or Income, not exceeding the Amount which the Visitor shall adjudge to be an adequate Consideration for the Tithe Rentcharge so to be annexed; provided that this Power shall not extend to Property or Income applicable to the Purchase of Advowsons for the Benefit of Scholars or Exhibitioners on any particular Foundation within a College.²

Certain
Provisions
of 8 & 9
Vict. c. 18.

IV. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agree-

* ¹ As to the Michel Foundation see 24 Geo. 2. c. 21 (*supra*) and 9 Geo. 3. c. 72 and note thereto (*supra*).

² For other provisions as to augmentation by colleges of livings in their patronage see 1 & 2 Will. 4. c. 45 (*supra*), 17 & 18 Vict. c. 84 (*supra*), and 23 & 24 Vict. c. 59, ss. 7 and 11 (*infra*); and for powers for colleges to lend without interest for building parsonage houses on livings in their patronage and other like purposes see (*supra*) 17 Geo. 3. c. 53. s. 13, 55 Geo. 3. c. 147. s. 9, 4 & 2 Vict. c. 23. s. 5, 1 & 2 Vict. c. 106. s. 73, and (*infra*) 28 & 29 Vict. c. 69. s. 3.

ment, and with respect to, the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act and of the "*Oxford University Act, 1854*", so far as relates to Land within One Mile and a Half of *Carfax* in the City of *Oxford* required for the Erection of any Buildings for the Extension of the Buildings of the said University or of any College or Hall therein, or for Purposes of Utility or Recreation relating to the said University or to any College or Hall therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."¹

A. D. 1857.
incorporated
with this
Act and
17 & 18
Vict. c. 81.
so far as
relates to
certain
Lands.

21^o VICT. CAP. XI.

An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of *Cambridge*.
[11th May 1858.]

WHEREAS by an Act passed in the Session of 19 & 20 Parliament holden in the Nineteenth and Twentieth Years of Her Majesty (Chapter Eighty-eight), "to make further Provision for the good Government and Extension of the University of *Cambridge*, of the Colleges therein, and of the College of King *Henry* the Sixth at *Eton*," it was enacted,² that the Stamp Duties then payable on Matriculations and Degrees should be abolished so soon as Provision should have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's Treasury, in lieu of the Monies theretofore voted annually by Parliament: And whereas by a Grace or Statute of the said University, passed by the Senate in Congregation on

Vict. c. 88.

¹ No licence in mortmain is required for a purchase under this section. See 40 & 41 Vict. c. 48. s. 60 (*infra*).

² See (*supra*) s. 47 of the Act cited.

A. D. 1858. the Tenth Day of *December* One thousand eight hundred and fifty-seven, Provision has been made for the Payment out of the University Chest of the Salaries and Allowances to certain Professors of the said University, mentioned in the Schedule to this Act, (being the same Salaries and Allowances as were heretofore annually voted by Parliament to the said Professors,) and the Commissioners of Her Majesty's Treasury are satisfied that such Statute is a due Provision in lieu of the Monies theretofore voted annually by Parliament, as intended by the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Stamp
Duties on
Admission
or Matri-
culation
and on
Admission
to Degrees
in Cam-
bridge re-
pealed.

I. All Stamp Duties payable under the Act of the Fifty-fifth Year of King *George* the Third, Chapter One hundred and eighty-four, or under any other Act of Parliament, on the Admission or Matriculation of any Person in the said University of *Cambridge*, and on the Admission of any Person to any Degree in the said University (whether conferred in the ordinary Course of the University or otherwise), or for the Registry or Entry of any such Admission, shall, from and after the First Day of *April* next, cease to be payable.¹

Salaries
payable to
Professors
in Sched-
ule not
discon-
tinued
without
Consent of
Treasury.

II. No Salary or Allowance payable under the said Grace or Statute of the said University to any Professor mentioned in the Schedule to this Act shall be discontinued or reduced without the Consent of the Commissioners of Her Majesty's Treasury.

¹ See 55 Geo. 3. c. 184. Sched. Pt. 1 and note thereto (*supra*) as to the duties on testimonials or certificates of degrees; and for previous legislation imposing duties on register entries, testimonials, and certificates of degrees see 5 & 6 W. & M. c. 21 and Acts cited in note thereto (*supra*), and 48 Geo. 3. c. 149 (*supra*).

SCHEDULE.

A. D. 1858.

	£
To the Professor of Modern History	371
To the Professor of Civil Law	100
To the Professor of Chemistry	100
To the Professor of Anatomy	100
To the Professor of Botany	182
To the Jacksonian Professor	100
To the Professor of Mineralogy	100

21^o & 22^o VICT. CAP. XLIV.

An Act to give to the Universities of *Oxford*, *Cambridge*, and *Durham*, and the Colleges in those Universities, and to the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, Power to sell, enfranchise, and exchange Lands under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees under proper Reservations and Restrictions.¹

[23d July 1858.]

WHEREAS it is expedient that the Universities of *Oxford*, *Cambridge*, and *Durham*, and the Colleges in those Universities, and the Colleges of *St. Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, should be empowered to sell, enfranchise, and exchange their Lands under certain Conditions, and also to grant Leases for Agricultural and Building and Mining Purposes under proper Reservations and Restrictions, and

¹ This Act is the first of the series of Universities and College Estates Acts, the others being 23 & 24 Vict. c. 59 (*infra*), 43 & 44 Vict. c. 46 (*infra*), and 61 & 62 Vict. c. 55 (*infra*).

A. D. 1858. to deal with the Interests of their Lessees in manner hereinafter provided : And whereas the several Acts now in force in relation thereto are inadequate for such Purposes : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Power to the Universities and Colleges to sell, enfranchise, and exchange Lands under certain Conditions.

I. It shall be lawful for the said Universities, and for any College therein respectively, and for the Colleges of *Saint Mary of Winchester* near *Winchester*, and of *King Henry the Sixth at Eton*, with the Consent of the Copyhold Commissioners to sell any Estate in Lands either at Law or in Equity which now is or at any Time hereafter shall be vested in such Universities respectively, or in any such College, and also with such Consent as aforesaid to enfranchise any Copyhold or Customary Lands held of any Manor belonging to such Universities respectively, or any such College, or to exchange any Estate in Lands for any other Lands, whether the same shall be of a like Nature or not, and upon any such Exchange to receive or pay any Money by way of Equality of Exchange ; and all Monies which on any such Sale, Enfranchisement, or Exchange shall be received by or become payable to or for the Benefit of such Universities respectively, or for any such College, shall from Time to Time be paid into the Bank of *England* for the Benefit of such Universities respectively, or of any such College, to an Account to be entitled "The Account of the Copyhold Commissioners Exparte the University or the College for whose Benefit such Monies shall have been so paid (describing such University or College by its Corporate Name) in the Matter of this Act ;" and the Receipt of the said Copyhold Commissioners shall be an effectual Discharge to any Purchaser or other Person for any Money therein expressed to be received, and all Monies so paid into the Bank of *England* shall be applicable and be applied in Payment for Equality of Exchange as aforesaid, or shall be laid out by such University or College

with such Consent as aforesaid in the Purchase of other A.D. 1858.
 Lands in Fee Simple, or of any Lands of a Leasehold
 Tenure, (such Leaseholds to be holden for a Term of not
 less than Five hundred Years yet to come and unexpired
 at the Time of such Purchase at a nominal Rent, and to be
 contiguous to or convenient to be held with any other Lands
 belonging to such Universities respectively, or to any such
 College,) such Lands to be conveyed and assigned respec-
 tively to the Use or for the Benefit of such University or
 College, and to be held together with any Lands received
 in Exchange by such University or College upon the like
 Trusts and for the like Purposes as the Lands sold or given
 in Exchange by such University or College respectively¹ ;
 and the Monies from Time to Time remaining unapplied
 for the Purposes aforesaid, shall be invested by and in the
 Names of the said Copyhold Commissioners to the Account
 aforesaid in the Purchase of Government Stocks, Funds, or
 Securities, which the said Copyhold Commissioners shall
 hold in trust for such University or College ; and the said
 Copyhold Commissioners may sell and dispose of the same
 for the Purposes of this Act as Occasion may require, and
 in the meantime the Interest, Dividends, and annual Pro-
 ceeds of such Monies, Stocks, Funds, and Securities shall
 be paid to such University or College to be applied to the
 same Purposes as the annual Income was applicable which
 arose out of the Lands from the Sale, Enfranchisement, or
 Exchange of which the Money invested in such Stocks,
 Funds, or Securities was produced : Provided that, except
 as hereafter is mentioned, nothing in this Section con-
 tained shall apply to any Estate of the Universities respec-
 tively, or any such College as aforesaid, in reversion in
 Lands expectant upon any Lease for a Life or Lives, or
 for a Term of Years determinable upon any Life or
 Lives, or for a Term of Years whereof more than Seven
 shall be unexpired, on which a Rent less than Three
 Fourths of the clear yearly Value of such Lands shall

¹ For additional powers of applying purchase money see 43 & 44 Vict. c. 46.
 s. 2 (*infra*), and for substituted powers 61 & 62 Vict. c. 55. s. 2 (*infra*).

A. D. 1858. have been reserved, except where the Lessee has a Right of Renewal.¹

Mode in which Consents of Copyhold Commissioners to be evidenced.

II. The Consent herein-before required to be given by the Copyhold Commissioners to any Sale, Enfranchisement, or Exchange to be effected under the Authority of this Act, shall be evidenced in manner following; (that is to say,) the said Commissioners, upon Consideration of the proposed Sale, Enfranchisement, or Exchange, and the Report thereon of the Surveyor of the University or College proposing the same, and being satisfied as to the Propriety thereof, shall issue an Order under their Hands and the Common Seal of their Board, authorizing such proposed Sale, Enfranchisement, or Exchange, to be carried into effect by the University or the College making Application under the Provisions of this Act; and the Consent of the said Commissioners herein-before required to the Re-investment of the Monies to be received upon any such Sale, Enfranchisement, or Exchange in the Purchase of other Lands, shall also be evidenced by a similar Order, to be issued by the said Commissioners in manner aforesaid, approving of the proposed Purchase, and authorizing the University or College (as the Case may be) to carry the same into effect; and it shall not in any Case be necessary that the said Commissioners should be made Parties to, or should execute any Conveyance, Assignment, or other Assurance to be made by such University or College for effecting any Sale, Enfranchisement, Exchange, Purchase, or Mortgage under the Powers of this Act, or satisfy themselves as to the Title of any Lands, the Subject of any such Exchange or Purchase: Provided, that notwithstanding anything herein contained, the said Commissioners shall be at liberty (if they shall think fit) to require a Valuation to be made by any Surveyor to be selected or approved by them, and also a Plan to be furnished of the Lands, the Subject of any

¹ Sections 1, 3-20, 22-25, 28 from 'Provided always that where' to the end of the section, and the Schedule are repealed by 61 & 62 Vict. c. 55. s. 8. Sched. 4 (*infra*), the corresponding provisions of the Settled Land Acts with modifications being substituted by that Act.

such Sale, Enfranchisement, Exchange, Purchase, or Mortgage; and all Costs and Expenses of and incidental to the obtaining such Consent shall be borne by the University or College applying for the same.¹

III. The several Orders to be issued by the said Commissioners pursuant to the foregoing Provisions, shall respectively be in the Form or to the Effect set forth in the Schedule to this Act, with such Variations only as Occasion may require.²

IV. For facilitating such Transactions by way of Sale and Exchange between the University or College and their Lessees, it shall be lawful for the said Universities, and for any College therein respectively, and for the Colleges of *Saint Mary of Winchester* near *Winchester*, and of *King Henry the Sixth at Eton*, upon accepting the Surrender of the whole or any Part of the Lands comprised in any Lease for Years or for a Life or Lives, to covenant or agree to grant to the Person so surrendering during the Residue then unexpired of the Term, or so long as such Lease, but for such Surrender would have continued, such an annual Sum as may be agreed upon between such University or College and Lessee respectively; and it shall also be lawful for such University or College upon accepting such Surrender, and with such Consent and so evidenced as aforesaid, to contract with the Lessee or Person so surrendering for the Sale or Exchange to or with such Lessee or Person of the Lands comprised in the Surrender, such Lands being for the Purpose of such Sale or Exchange valued as if in the Possession of such University or College discharged of such Lease, and to convey the same in pursuance of such Contract accordingly.³

V. The Act passed in the Session of Parliament holden

¹ By 31 & 32 Vict. c. 89. s. 2 (*infra*) all valuations attached to the reports of any University or College surveyor are liable to stamp duty as appraisements and must be stamped before the Commissioners give their consent.

² Repealed. See note to s. 1.

³ Repealed. See note to s. 1. By 23 & 24 Vict. c. 59. s. 1 (*infra*) power is given to raise money by mortgage to indemnify members of a University or College for loss of fines occasioned by the exercise of the powers conferred by this section.

A. D. 1858. in the Nineteenth and Twentieth Years of the present
 19 & 20 Reign (Chapter Ninety-five), intituled *An Act to give to the*
 Vict. c. 95, *University of Oxford and to Colleges in the said University,*
 and of *and to the College of Saint Mary of Winchester near Win-*
 Sect. 48 of *chester, Power to sell and exchange Lands under certain*
 19 & 20 *Conditions*¹; also the Forty-eighth Section of the Act passed
 Vict. c. 88. in the same Session (Chapter Eighty-eight), intituled *An*
Act to make further Provision for the good Government and
Extensio[n] of the University of Cambridge, of the Colleges
therein, and of the College of King Henry the Sixth, at
Eton,² shall be and the same are hereby repealed; so,
 nevertheless, as not to prejudice or affect any Negotiations
 or Arrangements which shall have been entered upon or
 made under the Provisions of the said Act and Section,
 and which shall be actually pending at the Time of the
 passing of this Act, and which Negotiations or Arrange-
 ments the University or College shall, notwithstanding
 anything herein contained, be at liberty to complete under
 the said last-mentioned Provisions; but all Monies which
 shall become payable thereunder shall be paid and applied
 in manner herein-before particularly mentioned; and any
 Monies which at the Time of the passing of this Act
 shall be standing to any Account appointed by the
 Church Estates Commissioners by virtue of the said Act
 and Section, and any Stocks, Funds, or Securities in or
 upon which any such Monies shall have been invested,
 shall be paid and transferred to the like Account, as is
 herein-before directed in respect of the Monies to become
 payable under the Provisions of this Act.³

Provisions as to Purchase of Lessees' Interests.

Power to purchase the Interests of Lessees in considera- VI. It shall be lawful for the said Universities and any
 College therein respectively, and the Colleges of *Saint*
Mary of Winchester near Winchester, and of *King Henry*
the Sixth at Eton, to purchase by Agreement from any
 Lessee holding under any Lease for Years or for a Life

¹ *Supra.*

² Repealed. See note to s. 1.

³ *Supra.*

or Lives granted by such University or College, whereon A. D. 1858.
a Rent less than Three Fourths of the clear yearly Value tion of a
of such Lands shall have been reserved, the Term, Estate, gross Sum
and Interest of such Lessee in all or any of the Lands of Money
comprised in such Lease for such Consideration, either by or by an
Payment to such Lessee of a gross Sum of Money (to be annual
provided or raised as hereafter mentioned), or by the Grant Charge.
to such Lessee during the Residue then unexpired of the
Term, or so long as such Lease but for such Purchase
would have continued, such an annual Sum as may be
agreed on between such University or College and Lessee
respectively.¹

VII. Upon the Purchase by such University or College Apportion-
of the Estate or Interest of any Lessee in a Part only of ment of
the Lands comprised in any Lease, it shall be lawful for Rent in
the Steward, Chapter Clerk, Solicitor, or Agent of such case of the
University or College and such Lessee, by a Memorandum Purchase of
in Writing under their respective Hands, which may be Part only
indorsed on such Lease, to apportion the Rent reserved of the
thereby, and declare what Part thereof shall continue Lands
payable thereunder; and thereupon such apportioned Part comprised
of the Rent shall be payable as if the same had been the Rent in Lease.
originally reserved in respect of the Lands not purchased;
and where the Rent originally reserved was an ancient and
accustomed Rent, the Part so continuing payable shall be
deemed and taken to be the ancient and accustomed
Rent for the Lands not purchased, and the Reservations,
Covenants, and Agreements contained in such Lease, and
the Powers and Authorities of such University or College,
so far as the same shall be applicable to the Lands not
purchased, shall remain in full Force as if such Purchase
had not been made.¹

VIII. If any Lands held under Lease from such Univer- Consent of
sity or College shall have been sublet, with a Covenant on Sub-lessee
the Part of the original Lessee to renew the Under-lease with Cove-
upon any Renewal of the original Lease, the Interest of the nant for
Lessee in such Lands shall not be purchased under this Renewal.

¹ Repealed. See note to s. 1.

A. D. 1858. Act by such University or College, without the Consent in Writing of such Sub-lessee! Provided always, that such University or College shall not be prevented from making such Purchase, nor shall their Title to any such Lands be affected in respect of the Existence of any such Under-lease, unless such University or College shall have had Notice thereof in writing, but the Sub-lessee shall, in Cases where a Purchase shall have been made without such Notice, be entitled to recover such Damages for the Loss of the Benefit of such Covenant against the Party bound by the Covenant for the Loss to be sustained by him as he would be entitled to in respect of its Non-performance on a Renewal by the original Lessee.¹

Power to
University
or College
with Con-
sent of
Copyhold
Commis-
sioners to
raise
Money by
Mortgage,
to be ap-
plied to
such
Purchases.

IX. In case there shall not be any Monies, Stocks, Funds, or Securities, belonging to such University or College, properly and conveniently applicable in or towards such last mentioned Purchase, it shall be lawful for such University or College, with the Consent of the said Copyhold Commissioners (such Consent to be evidenced by an Order to be issued under their Hands and Common Seal in the Form or to the Effect set forth in the said Schedule hereto) to raise such Sum or Sums of Money as shall be required for that Purpose, and be stated in such Order, together with all reasonable Costs and Expenses by Mortgage for a specified determinable Term of Years of all or any of the Lands comprised in any such Lease which shall be so purchased as aforesaid.²

Leasing Powers.

Power to
grant
Leases for
a Term no:

X. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of *Saint Mary of Winchester* near *Winchester*, and of *King Henry*

¹ Repealed. See note to s. 1.

² Repealed. See note to s. 1. By 43 & 44 Vict. c. 46. s. 2 (*infra*) power is given to apply the purchase money of land sold in repayment of money borrowed under this Act or for any of the purposes for which money so borrowed is applicable, provision being made for replacement of the purchase money so applied in accordance with s. 28 of this Act.

the Sixth at *Eton*, from Time to Time after the passing of this Act by Indenture sealed by such University or College with their Common Seal, to lease all or any of the Lands which now are or at any Time hereafter shall be either at Law or in Equity vested in such University or College (except as herein-after is mentioned), with the Appurtenances, for any Term or Number of Years, not exceeding Twenty-one Years, to take effect in possession and not in reversion or by way of future Interest, and at the best Rent that can be reasonably obtained for the same, so as there be not any Fine, Premium, or Foregift taken for the making thereof, and so as the Rent be made payable half-yearly or oftener, and so as sufficient Power of Entry be reserved for securing the Payment of the Rent and the Performance and Observance of the Lessee's Covenants therein, and so as the Lessee be not thereby made punishable for Waste, and so as the Lessee execute a Counterpart of the Lease; and every such Lease may be on such Terms and Conditions as such University or College may think reasonable.¹

XI. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of *King Henry* the Sixth at *Eton*, from Time to Time after the passing of this Act, by Indenture sealed by such University or College with their Common Seal, to lease all or any of the Lands which now are or at any Time hereafter shall be either at Law or in Equity vested in such University or College (except as herein-after is mentioned), with the Appurtenances, for any Term or Number of Years not exceeding Ninety-nine Years, to take effect in possession and not in reversion or by way of future Interest, to any Person or Persons who may be willing to improve or repair the present or any future Houses thereon, or any of them, or to erect other Houses and Buildings in lieu thereof or in addition thereto, or to erect any Houses or other Buildings on any Land whereon no Building shall be standing, or who shall

A. D. 1858.
exceeding
21 Years at
Rack-rent.

Power to
grant
Building
and Re-
pairing
Leases for
a Term not
exceeding
99 Years.

• ¹ Repealed. See note to s. 1. •

A. D. 1858. be willing to annex any Part of the same Lands to Buildings erected or to be erected on the said Lands or any Part thereof, or otherwise to improve the said Premises or any Part thereof and with or without Liberty for the Lessee to take down any Buildings standing on the Lands in any such Lease to be comprised and to dispose of the Materials thereof to such Uses and for such Purposes as shall in such Lease be agreed upon, and with or without Liberty for the Lessee to lay out and appropriate any Part or Parts of the Lands to be comprised in any such Lease, as and for Accommodation Lands, Plantations, Gardens, Pleasure Grounds, Yards, or other Conveniences or Appendages, for the Use or Convenience of the Tenants or Occupiers of the said Houses or other Buildings, and also to set out and allot any Part or Parts of the Lands to be comprised in any such Lease, as and for Streets, Squares, or other similar Spaces of Ground, Roads, Avenues, Approaches, Courts, Ways, Passages, Sewers, Drains, Wells, Reservoirs, Yards, or otherwise, for the Use and Convenience of the Tenants or Occupiers for the Time being of the said Houses or Buildings, or of adjoining Houses or Buildings, or for the general Improvement thereof, or of any Part thereof; and also with or without Liberty for the Lessee to dig, take, and carry away, and dispose of such Earth, Clay, Sand, or Gravel as it shall be found convenient to remove for effecting any of the Purposes aforesaid; and also with or without any other Liberties, Easements, or Privileges which are or may be usual in Leases of a similar Description, so as there be reserved by every such Lease the best and most improved yearly Rent that can be reasonably obtained for the Premises comprised therein at the Time of the granting or making of such Lease, or the Contract for the same, payable half-yearly or oftener, during the Continuance of the Term thereby granted, and to be incident to and go along with the Reversion immediately expectant on the Determination thereof; and so as any such Lease be made without taking any Fine, Premium, or Foregift or anything in the Nature thereof, for or in

respect of the making of the same ; and so as in every such Lease made for the Purpose of having Buildings erected there shall be contained a Covenant on the Part of the Lessee to build, complete and finish such Buildings within a Time to be therein specified for that Purpose ; and so as in every such Lease made for the Purpose of having Buildings repaired or rebuilt there shall be contained a Covenant on the Part of the Lessee substantially to rebuild or repair the same within a Time to be therein specified for that Purpose ; and so as in every such Lease, whether for building or repairing, or otherwise, there be contained on the Part of the Lessee a Covenant for the due Payment of the Rent to be thereby reserved and (subject to the Provisions in this Behalf hereafter contained) of all Taxes, Charges, Rates, Assessments, and Impositions whatsoever affecting the Lands therein comprised (except only the Tax (if any) for the Time being upon Property or Income in respect of the Rent reserved) ; and also a Covenant for keeping the Buildings erected and built, or to be erected and built, in repair during the Term thereby granted ; and also a Covenant for keeping the Houses and Buildings (subject to the Provision in this Behalf hereafter contained) insured from Damage by Fire to the Amount of Three Fourths at least of the Value thereof in some or one of the Public Offices of Insurance, to be selected or approved from Time to Time by such University or College, and to lay out the Money to be received by virtue of such Insurance, and also all such other Sums as shall be necessary in rebuilding, repairing, and reinstating such Houses and Buildings as shall be destroyed or damaged by Fire ; and also to surrender the Possession of, and leave in good Condition and Repair the Houses and Buildings erected and to be erected or rebuilt or repaired on the Premises therein comprised, on the Expiration or other sooner Determination of the Term to be thereby granted, or such Covenants on the Part of the Lessee as shall be in substance and effect the same as or equivalent to the Covenants herein-before specified ; and so as in every

A. D. 1858. such Lease there be contained a Power for such University or College, their Stewards, Surveyors, or Agents, to enter upon the Premises and inspect the Condition thereof, and also a Proviso or Condition of Re-entry for Non-payment of the Rent thereby reserved for any Space not exceeding Forty Days, or for Nonperformance of any of the Covenants or Agreements on the Part of the Lessee therein contained; and also with or without a Proviso that no Breach of any of the Covenants or Agreements to be therein contained (except the Covenant for Payment of the Rent and other such Covenants or Agreements (if any) as such University or College shall think it reasonable to except) shall occasion any Forfeiture of such Lease, or of the Term thereby granted, or give any Right of Re-entry, unless or until Judgment shall have been obtained in an Action for such Breach, nor unless the Damages and Costs to be recovered in such Action shall have remained unpaid for the Space of Three Calendar Months after Judgment shall have been obtained in such Action, and so as there be not contained in any such Lease any Clause or Words authorizing the Lessee to commit Waste or exempting him from Punishment for committing Waste, save so far as may be necessary for or incident to the Purposes aforesaid, or any of them; and every such Lease may also contain any other Covenants, Provisoes, Conditions, Restrictions, and Stipulations which shall appear reasonable to such University or College, and particularly any Provisions that where any such Lease is granted with Liberty to erect thereafter any House or Houses on the Land thereby demised in addition to the House in respect of which the original yearly Rent thereby reserved shall be payable, then in addition to such original yearly Rent to be so reserved as aforesaid, there shall also be reserved any such additional yearly Rent, to become payable only in the event of such additional House or Houses being thereafter built as shall be the best and most improved additional yearly Rent that can, at the Time of the making or granting of such Lease, or for the Contract for the same, and considering the Nature

and Circumstances of the Case, be reasonably obtained, and shall be made payable half-yearly or oftener, from a Time not later than the Time when the respective additional House is fit for Habitation and Use, and shall continue payable during the Remainder of the Term granted by such Lease, and be incident to and go along with the Reversion immediately expectant on the Determination thereof; and also a Provision for apportioning the Rent to be reserved in and by any such Lease, and for exonerating any Part of the Lands to be comprised in any such Lease from the Payment of any specified Portion of the whole Rent to be thereby reserved, and so that the respective Lessees execute Counterparts of their respective Leases.¹

XII. It shall be lawful for the said Universities, and for any College therein respectively, and for the Colleges of *Saint Mary of Winchester* near *Winchester*, and of *King Henry the Sixth at Eton*, by themselves, or by any Person or Persons acting on their Behalf, to enter into any Contract in Writing, either conditional or absolute, for making or granting any Lease authorized to be granted under the Provisions of this Act, and in any such Contract or Contracts (with the Consent of the Contractor or Contractors) to reserve Power to rescind and vary the same, and to enter into fresh Contracts or not, as such University or College shall think fit, and by any such Contract to agree when and as any Land or Buildings thereby agreed to be let, or any Part or Parts thereof shall be respectively built upon, rebuilt, or repaired, laid out, formed, or improved in the Manner and to the Extent to be stipulated in such Contract by one or more Indenture or Indentures to lease or cause to be leased the same Lands or Buildings or any Part thereof to the Person or Persons contracting to take, the same as aforesaid, or his or her Executors, Administrators, or Assigns, or to his, her, or their Nominee or Nominees, for and during the Remainder of the Term to be specified in such Contract, and in such Parcels, and under and subject to such Portion or Portions of the yearly

Power to enter into Contracts for granting Leases, and afterwards to grant Leases pursuant thereto.

• ¹ Repealed. See note to s. 1. •

- A. D. 1858. Rent to be specified in such Contract as shall be thought proper; and also (if such University or College shall think the same expedient) to agree that the yearly Rent agreed to be reserved in any such Contract may be made to commence at any such Periods within Two Years from the Date of such Contract, and may be made to increase periodically, beginning with such Portion of the full Rent thereby agreed to be paid as shall be thought advisable, and increasing up to the full Rent as shall be thought proper, and as in such Contract shall be expressed, Regard being had to the Quantity of Land from Time to Time agreed to be leased, and the Progress of the Buildings, Rebuildings, or Repairs stipulated to be erected or made thereon, or on some Part thereof; but so, nevertheless, that the full yearly Rent shall be made to commence at a Period not exceeding Five Years from the Date of the said Contract, with Liberty nevertheless to make Provisions in the same Contract for the Payment of an additional yearly Rent or Rents, in the event of any House or Houses being thereafter built on the Land comprised in the same Contract, in addition to the House or Houses in respect of which such original yearly Rent was reserved or made payable, and also to agree that when and as any Lease shall be granted of any Part of the Lands so contracted to be leased the Lands so for the Time being leased shall be discharged from such Contract, and that the Person with whom such Contract shall have been entered into shall remain liable in respect of such Part of the Lands comprised in such Contract as shall not for the Time being be leased to the Payment of such Portion only of the Rent by such Contract agreed to be paid as may be thought proper and shall in such Contract be provided for, and also to agree that the Person with whom such Contract shall be entered into may have, exercise, and enjoy all or any of the Liberties, Easements, and Privileges therein authorized to be granted, except such thereof as such University or College shall think reasonable to except: Provided also, that there may be contained in every such Contract as

as aforesaid such further or other Agreements and Stipulations as to such University or College shall seem reasonable.¹ A. D. 1858.

XIII. No Lease granted or to be granted under the Powers of this Act shall be invalid by reason of any Variation between any such Lease and any prior Contract for a Lease which may have preceded the granting of such Lease, but every Lease to be granted as aforesaid shall be valid and effectual, notwithstanding such Variation, and no Person taking such Lease or claiming under such Lease shall be bound to inquire whether such Lease is in pursuance of or authorized by any such prior Contract, nor shall any such Person be in any Manner affected by anything contained in any such Contract, and the Contract or Contracts which shall have preceded such Lease shall not at Law or in Equity form a Part of the necessary Evidence of the Title of the Lessee or Lessees named in such Lease, or of his, her, or their Executors, Administrators, or Assigns, whether such Lease is or is not expressed to be granted under or in pursuance of any such previous Contract, provided that such Lease shall not be inconsistent or at variance with the Provisions and Restrictions herein contained with respect to the Leases hereby authorized to be granted.¹

XIV. It shall be lawful for the University and College, if they shall think fit, in any Lease to be granted under the Powers of this Act to cause to be omitted the Covenant on the Part of the Lessee, herein-before directed to be inserted, for keeping the Houses and Buildings comprised in such Lease, or to be erected and built on the Lands therein comprised, insured from Loss or Damage by Fire, and in lieu of such Covenant to insert or cause to be inserted in any such Lease a Covenant on the Part of such University or College to keep such Houses and Buildings insured from Loss or Damage by Fire to the Amount of Three Fourths at least of the Value thereof, and to lay out the Money which shall be received by virtue of such Insurance in substantially rebuilding, repairing, and rein-

Variations in Terms between Leases and Contracts not to be material, and Contracts not to form Part of Title.

Power to Universities and Colleges to insure Buildings, &c., comprised in any Lease and to charge the Tenants with the Premiums.

• ¹ Repealed. See note to s. 1. •

A. D. 1858. stating such Houses or Buildings as shall be destroyed or damaged by Fire, and to cause to be inserted in such Lease such Covenants, Stipulations, and Provisions for securing to such University or College the Repayment of the Sum or Sums of Money which shall be paid by them in effecting or keeping on foot any such Insurance as such University or College shall think fit.¹

Power to Universities and Colleges to dispose of Brick Earth, &c.

XV. From and after the passing of this Act it shall be lawful for the said Universities, and any College therein respectively, and the Colleges of *Saint Mary of Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, either by themselves or by any Person or Persons on their Behalf, to enter into such Contract or Contracts in Writing, as they may deem expedient, with any Person who may be willing to purchase the Liberty or Privilege of digging and raising Gravel or Sand, or Earth, Loam, or Clay, suitable for making Bricks or Tiles, out of any Part of the Lands belonging to such University or College, and to grant to such Person, either by Indenture sealed with the Common Seal of such University or College, or by such other Ways or Means as may be deemed expedient, and for such Considerations as to such University or College shall appear reasonable or proper, the Liberty or Privilege of digging and raising such Gravel, Sand, Earth, Loam, or Clay, and of selling and disposing of the same, together with all such Powers as may be requisite for carrying such Contract or Contracts into effect: Provided always, that the Net Monies which shall be received by the University or College for or in respect of the Grant of such Liberty or Privilege as aforesaid, shall be applied and disposed of by such University or College, in the Manner herein-after directed, respecting the Net Rents, Tolls, Duties, Royalties, and Reservations which shall be received by such University or College for or in respect of any Lease to be granted under the Authority of the Twentieth Section of this Act.¹

Lessors may enter

XVI. From and after the passing of this Act it shall be lawful for the said Universities, and any College therein

¹ Repealed. See note to s. 1.

respectively, and the Colleges of *Saint Mary of Winchester* near *Winchester*, and of *King Henry the Sixth at Eton*, at any Time or Times to make or enter into any Arrangement or Arrangements with the Lessees or Tenants of the Lands leased under the Authority of this Act, or any or either of them, either alone or in conjunction with any other Person or Persons, for the lighting, paving, draining, and cleansing, or otherwise for the general Improvement or more convenient Use and Enjoyment of such Lands, or any Part thereof, or the Roads, Streets, Ways, Approaches, Avenues, or Passages in or about the same, and for such Purposes or any or either of them, to give and grant or allow such Easements, Rights, Liberties, and Privileges in or over such Lands, or any Part thereof, to any Person or Persons whomsoever, as by such University or College shall be deemed expedient, and under and subject to such Provisoos, Conditions, and Restrictions as shall be deemed proper; and for carrying into effect any such Arrangement, to enter into and to insert or cause to be inserted in any Lease or Leases or Contract or Contracts for any Lease or Leases, to be made or entered into by virtue of this Act, such Covenants, Agreements, and Stipulations on the Part of such University or College, or the said Lessee or respective Lessees, his, her, or their Heirs, Executors, Administrators, and Assigns, as by such University or College shall be thought requisite or proper.¹

XVII. It shall be lawful for the said Universities, and any College therein respectively, and the Colleges of *Saint Mary of Winchester* near *Winchester*, and of *King Henry the Sixth at Eton*, if they shall think it expedient so to do, to enter into any Arrangement for the Payment by them of the Land Tax and Tithe Rentcharge, or either of them, for the Time being payable for or in respect of any of the Lands comprised in any Lease to be granted under the Authority of this Act, or any Part thereof, in exoneration therefrom of the respective Lessees or Tenants of such Lands, any or either of them, and to accept and reserve an

A. D. 1858.
into Arrangements with Lessees as for lighting, paving, &c.

Universities and Colleges may enter into Arrangements with Lessees as to Payment of Land Tax and Tithe Rentcharges.

¹ Repealed. See note to s. 1.

A. D. 1858. additional or increased Rent or Rents in consideration thereof, and in any Lease or Leases, Contract or Contracts, to be made or entered into in pursuance of this Act to enter into or cause to be inserted such Covenants, Stipulations, and Agreements on the Part of such University or College, or the Lessee or Lessees, his, her, or their Heirs, Executors, Administrators, or Assigns, with respect to the Land Tax and Tithe Rentcharges, or either of them, to which the Lands thereby leased or agreed to be leased are or may be respectively liable, or any Part thereof, as upon a due Consideration of all Circumstances shall to such University or College seem advisable.¹

Power to appropriate any Part of Lands for Streets, Squares, &c.

XVIII. It shall be lawful for the said Universities and any College therein respectively, and the College of *Saint Mary of Winchester* near *Winchester*, and of King *Henry the Sixth at Eton*, to lay out and appropriate any Part or Parts of the Lands authorized to be leased on Building or Repairing Leases under the Provisions of this Act, as and for a Way or Ways, Streets, Squares, Approaches, Avenues, Roads, Courts, Passages, Sewers, Drains, Yards, Gardens, or Pleasure Grounds, or other Easements or Conveniences for the general Improvement of the said Lands, or for the Accommodation or Convenience of the Tenants and Occupiers thereof, in such Manner and upon such Terms, and either subject to or without being subject to any annual or other Payments by such Tenants or Occupiers as shall be mentioned or agreed upon in any Lease to be made in pursuance of this Act, or in any general Deed to be executed for that Purpose under the Common Seal of such University or College and to be enrolled in One of Her Majesty's Courts of Record at *Westminster*, and also by such Lease or by such general Deed to give such Privileges and other Easements in or over the said Lands or any Part thereof as such University or College shall deem reasonable or convenient.¹

Power to Lease running Water

XIX. It shall be lawful for the said Universities and any College therein respectively, and the Colleges of *Saint*

¹ Repealed. See note to s. 1.

Mary of Winchester near *Winchester*, and of *King Henry* A. D. 1858.
the Sixth at *Eton*, from Time to Time after the passing of and Water-
this Act, under such Restrictions as are hereafter mentioned, leaves, and
by any Deed to be executed under their Common Seal to Wayleaves,
grant by way of Lease unto any Person or Persons whom &c.
soever any Liberties, Licences, Powers, or Authorities to
have, use, or take, either in common with or to the Exclu-
sion of any other Person or Persons, all or any of the
Water flowing or which shall or may flow or be made to
flow in, through, upon, or over any Lands belonging to
such University or College, or any Part or Parts thereof
(except as herein-after is mentioned), and also all Way-
leaves or Waterleaves, Canals, Watercourses, Tramroads,
Railways, and other Ways, Paths, Passages, either subter-
raneous or over the Surface of any Lands, Yards, Wharfs,
or other like Easements or Privileges in, upon, out of, or
over any Part or Parts of the Lands belonging to such
University or College (except as herein-after is mentioned)
for any Term or Number of Years, not exceeding Sixty
Years, to take effect in possession and not in reversion, or
by way of future Interest, so as there be reserved on every
such Grant by way of Lease as last aforesaid, payable
half-yearly or oftener, during the Continuance of the Term
thereby granted, the best yearly Rent or Rents, either in
the shape of a stated or fixed Sum of Money, or by way
of Toll or otherwise, that can be reasonably obtained for
the same, without taking any Fine, Premium, or Foregift,
or anything in the Nature of a Fine, Premium, or Foregift,
for the making thereof, (other than any Provision or Pro-
visions which it may be deemed expedient to insert in any
such Grant, rendering it obligatory on the Grantee or
Lessee, or Grantees or Lessees, to repair or contribute to
the Repair of any Roads or Ways, or to keep open or
otherwise use in any specified Manner any Water or
Watercourse to be comprised in or affected by any such
Grant or Lease,) and so as there be contained in every
such Grant by way of Lease as last aforesaid, a Condition
or Power of Re-entry or a Power to make void the same,

A. D. 1858. in case the Rent thereby reserved or made payable, or any Part thereof, shall not be paid within some reasonable Time to be therein specified in that Behalf; and so as the respective Grantees or Lessees do execute Counterparts of the respective Grants or Leases; and generally that in and by any such Grant by way of Lease as last aforesaid, there shall or may be reserved and contained any other Reservations, Covenants, Agreements, or Stipulations whatsoever, not inconsistent with those hereby required to be reserved or contained, which it shall be deemed expedient to introduce therein.¹

Power to
grant
Mining
Leases for
a Term not
exceeding
Sixty
Years.

XX. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of *Saint Mary of Winchester* near *Winchester*, and of King *Henry the Sixth at Eton*, from Time to Time after the passing of this Act, by Indenture sealed with their Common Seal, to lease any Mines, Quarries, Minerals, and Substances in, under, or upon any Lands belonging to such University or College, either with or without any Messuages, Buildings, or Lands convenient to be held or occupied with the same respectively, and either with or without the Surface of any Lands in or under which the same or any Part thereof respectively shall lie, and whether the same have or have not been hitherto opened or worked, unto any Person or Persons for any Term or Number of Years not exceeding Sixty Years, to take effect in possession and not in reversion, or by way of future Interest, together with full Liberty, Power, and Authority to search, bore, dig, sink for, work, and raise the said Mines, Quarries, Minerals, and Substances, and to work any adjacent Mine by way of Outstroke or other underground Communication, and for those Purposes from Time to Time to do whatever shall be needful or requisite for, in, or about, the winning, working, getting, cleansing, and smelting of the said Minerals and Substances, and for the manufacturing and carrying away the same, or otherwise incident to Mining Operations, so as in every such Lease there be reserved

¹ Repealed. See note to s. 1.

and made payable during the Term thereby granted the best and most improved yearly or other Rent or Rents, whether certain or contingent, either in Money or in Tolls, Duties, Royalties, and Reservations, by the Acre, or by the Ton, or otherwise, as can under the Circumstances of the Case be reasonably obtained for the same, and so as such Lease be made without any Fine, Premium, or Foregift for the same, and so as in every such Lease there be contained on the Part of the Lessee a Covenant for the due Payment of the Rent to be thereby reserved, and of all Taxes, Charges, Rates, Assessments, and Impositions whatsoever affecting the Lands therein comprised; and also a Proviso or Condition of Re-entry for Nonpayment of the Rent thereby respectively reserved for some reasonable Time to be therein specified, or for Nonperformance or Nonobservance of any of the Covenants or Agreements on the Part of the Lessee therein contained (except such, if any, of the same Covenants and Agreements, not being for the Payment of Rent, as such University or College shall think it reasonable to except), and so as there be not contained in such Lease any Clause or Words authorizing the Lessee to commit Waste, or exempting him from Punishment for committing Waste, save so far as may be necessary for the Purposes aforesaid, and so as the Lessee do execute a Counterpart of such Lease, and enter into such further or other Covenants and Agreements as such University or College granting such Lease shall deem expedient, due Regard being had in every Case to the Custom of the Country or District within which such Mines, Quarries, Minerals, or Substances are situate or found.¹

XXI. All the net Rents, Tolls, Duties, Royalties, and Reservations which shall be received by the University or College, for or in respect of any Lease to be granted under the Authority of the last foregoing Section, shall be applied and disposed of by such University or College in manner following; (that is to say,) One equal Third Part of such net Rents, Tolls, Duties, Royalties, and Reservations, shall

Applica-
tion of
Mineral
Rents, &c.

¹ Repealed. See note to s. 1.

A. D. 1858. be applicable and be applied by such University or College as Part of their ordinary Income, and the remaining Two equal Third Parts thereof shall be applicable and be applied by such University or College in or upon any of the Purposes following; (that is to say,) in the Purchase of Lands to be conveyed to the Use or for the Benefit of such University or College, or in the Erection of new Buildings, or in the Addition to and Enlargement of any existing Buildings, or in the Drainage, or other permanent and lasting Improvement of any Lands belonging to such University or College, or in the Purchase of any Wayleaves, or other Easements, in, over, or upon any Lands adjoining, or near to any such Lands; and, in the meantime, until such Two equal Third Parts shall be applied in or upon any of the Purposes aforesaid, the same shall be invested by such University or College in the Purchase of Government Stocks, Funds, or Securities, and the Interest, Dividends, and annual Proceeds thereof shall be received by such University or College, and be applicable as Part of their ordinary Income.

Powers to release, enter into new Contracts, and accept Surrenders of Leases, &c.

XXII. It shall be lawful for the said Universities and any College therein respectively, and the Colleges of *Saint Mary of Winchester* near *Winchester*, and of *King Henry the Sixth at Eton*, at any Time to release any Person or Persons with whom any Contract or Contracts may be entered into in pursuance of this Act, and his, her, or their Executors, Administrators, and Assigns, from the Performance of all or any Part of the same Contract or Contracts respectively, and to enter into any new Contract or Contracts, according to the Provisions of this Act, with the same or any other Person or Persons, or his, her, or their Executors, Administrators, or Assigns, in lieu of the Contract or Contracts, or the Part or Parts of the Contract or Contracts, in respect whereof such Release shall have been made, and to enter into any new Covenants and Agreements with any Person or Persons with whom any Contract or Contracts may be entered into, by way of Addition to or Explanation or Alteration of all or any

Part or Parts of the Covenants and Agreements in any such Contract or Contracts respectively contained; and also to accept a Surrender or Surrenders of all or any Part of the Lands which may be comprised in any such Contract or Contracts, and of all or any Part of the Lands comprised in any Lease to be granted under any of the Powers herein-before contained, or which shall have been granted before the passing of this Act; and upon any such Surrender to grant, according to the Powers herein-before contained, either to the Person surrendering or to any other Person or Persons, one or more new Lease or Leases of the Lands so surrendered, or any Part thereof, either alone or together with any other Lands, and with Liberty in regulating the Terms upon which such new Lease or Leases shall be granted to make such Allowance or Remuneration, either by way of annual Charge upon the Lands so surrendered, or otherwise, to the Person surrendering the same, or his or her Executors, Administrators, or Assigns, for the Value (if any) of the Estate or Interest which shall have been so surrendered, as to such University or College shall seem reasonable, but so that no such Allowance or Remuneration by way of annual Charge shall continue for a longer Term or Period than the Term or Period at which the Estate or Interest which shall be surrendered would, if not surrendered, have determined by Effluxion of Time: Provided always, that upon any such Surrender as aforesaid, it shall be lawful for the said University or College, if they shall think fit, to grant a new Lease or new Leases of the Lands so surrendered, either to the Person surrendering the same or to any other Person, for any Term or Number of Years not exceeding the then unexpired Residue of the Term granted by the surrendered Lease, at a Rent or several Rents equivalent to the Amount of the Rent which was reserved by the surrendered Lease in respect of the Entirety of the Lands so surrendered, and in making such new Lease or Leases, either again to subject the whole of the Lands so surrendered to a Rent equivalent to the whole Amount of the Rent which was payable for the same Lands under

A.D. 1858. such surrendered Lease, or so to apportion the Amount of Rent which was payable under such surrendered Lease as that in the new Lease or Leases, so to be made as aforesaid, some specific Part or Parts only, and not the whole of such Lands, shall be subject to the whole or some specific Portion only of the Amount of Rent which was payable under such surrendered Lease, and so that if a Rent or Rents equivalent to the whole Amount of the Rent which was payable under such surrendered Lease, shall by any such new Lease or Leases be reserved or made payable in respect of a Part or Parts only of such Lands, such University or College may grant a Lease or Leases of the Residue of such Lands at the yearly Rent of a Peppercorn: Provided always, that a Certificate in Writing under the Hand of the Solicitor, Steward, Chapter Clerk, or Agent for the Time being of such University or College, that the entire Rent mentioned in the surrendered Lease has been duly reserved in pursuance of this Enactment, shall, as regards the Lessee or Lessees under such new Lease or Leases, and all Persons claiming under him or them, be sufficient and conclusive Evidence of such Reservation: Provided also, that when and as any such new Lease shall be granted under the Powers herein contained, of any Lands comprised in any such surrendered Lease, the Lease so surrendered shall form no Part of the Title to such new Lease.

On Recovery of Possession of any Lands under a Condition of Re-entry new Leases may be granted.

XXIII. If the University or College shall at any Time hereafter enter upon and resume or recover Possession of any Lands comprised in any Lease or Contract to be granted or entered into under the Powers of this Act, by virtue of any Condition of Re-entry therein contained, then and in every such Case it shall be lawful for such University or College, if they shall think fit, to grant Leases or enter into Contracts to grant Leases, and afterwards to grant Leases of the same Lands, and every or any Part thereof, pursuant to the Powers and subject to the Restrictions herein contained: Provided always, that in any such Case as last aforesaid it shall be lawful for such University or College, if they shall think fit, to grant a Lease, or to

enter into a Contract to grant a Lease, and afterwards
to grant a Lease of the Lands comprised in any such
forfeited Lease or Contract for any Term or Number of
Years not exceeding the then unexpired Residue of the
Term granted or agreed to be granted by such forfeited
Lease or Contract at a yearly Rent or yearly Rents, which
shall not be less in Amount than the yearly Rent reserved
or agreed to be reserved by such forfeited Lease or Contract,
but subject in all other respects to the Restrictions herein
contained.

XXIV. If any Lease or Grant purporting to have been
granted or made by virtue of this Act shall, by reason of
any technical Error or Informality in exercising the Powers
of this Act, be void or voidable, then and in every such
Case it shall be lawful for the University or College, if they
shall think fit, to confirm such Lease or Grant, or to make
a new Lease or Grant of the Lands therein comprised, pur-
suant to the Powers and subject to the Restrictions herein
contained, in lieu of such void or voidable Lease for any
Term or Number of Years not exceeding the then Residue
of the Term of Years granted or purported to be granted
by such void or voidable Lease, and at and under a yearly
Rent or yearly Rents which shall be not less in Amount
than the yearly Rent reserved by such void or voidable
Lease.

Power to
confirm
Leases
which may
be void or
voidable
by reason
of any
technical
Error or
Informality.

XXV. A Memorandum in Writing under the Hand of
the Steward, Chapter Clerk, Solicitor, or Agent of the
University or College endorsed upon any Lease to be
granted under the Powers of this Act, acknowledging
that he has received such Counterpart of the said Lease
as is hereby required to be executed, or a Recital or State-
ment in such Lease to the effect that such Counterpart has
been duly executed, shall, in favour of the Lessee and of
all Persons claiming under him, be conclusive Evidence
that such Counterpart was duly made and executed pur-
suant to the Provisions of this Act.

Receipts
endorsed
upon
Leases,
&c., to be
Evidence
of Execu-
tion of
Counter-
parts.

XXVI. Provided always, That this Act or anything
herein contained, shall not authorize the granting of any

Particular
Property
not to be
leased.

A. D. 1858. Lease or the laying out or appropriating for the Purposes in this Act mentioned of any House, or Building or Lands forming Part of or attached to or locally situate within the Boundaries or Precincts of any College or of any Offices, Outbuildings, Yards, and Gardens to any such College adjoining or appertaining, and which may be necessary or convenient for actual Occupation by the Members of any such College or any of them, or the Grant or Lease of any Mines, Minerals, Quarries, Ways, Watercourses, or other Easements the Grant thereof may be prejudicial to the convenient Enjoyment of any such House or Building, or the Offices or Gardens thereto belonging.

Powers to raise Monies, with Consent of Copyhold Commissioners, by Mortgage for certain Purposes.

XXVII. It shall be lawful for the said Universities and any College therein respectively, and for the Colleges of *St. Mary of Winchester* near *Winchester*, and of King *Henry the Sixth at Eton*, from Time to Time and at any Time hereafter, with the Consent of the said Copyhold Commissioners (such Consent to be evidenced by an Order, to be issued under their Hands and Common Seal, in the Form or to the Effect set forth in the said Schedule hereto) to raise by Mortgage of any Lands belonging to such University or College, for any Term of Years (determinable as hereafter provided), such Sum or Sums of Money (together with all reasonable Costs and Expenses incidental to such raising and the Application thereof) as shall be certified by the Surveyor of the University or College to be properly required, and shall be authorized by the said Commissioners, with Interest thereon not exceeding the Rate to be specified in such Order, and to apply such Sum or Sums of Money for all or any of the Purposes following; (that is to say,) for or towards the Restoration and Improvement and (if need be) Enlargement of any House or Building forming Part of or connected with or otherwise belonging to such University or College, or for or towards the Erection of new or additional Houses or Buildings, or for the Extension and Improvement of any existing Houses or Buildings upon any Lands belonging to such University or College, or for the Drainage or other permanent and lasting Im-

provement of any Lands belonging to such University or College.¹ A. D. 1858:

XXVIII. Where any Mortgage is made by any University or College, under either of the Powers herein-before contained for that Purpose, such University or College shall, out of the Rents and Profits of the Lands comprised in any such Mortgage, or out of the Funds and Revenues of such University or College, either repay the same Monies by the Grant of an Annuity, upon such Terms as shall be approved of by the said Commissioners, to the Lender or other Person to whom the same Monies shall be due, or shall keep down all the Interest of such Monies as the same shall become due, and annually thereafter reserve or raise out of the same Rents and Profits, or Funds and Revenues, and out of the Income arising from any such Sinking Fund as shall have been created under the Provisions following, One Thirtieth Part at least of the Amount of the Principal Debt, and apply the same to the Reduction thereof, either by direct Payment to the Lender or other Person to whom the same shall be due, if he shall consent or be under Engagements or otherwise required to receive the same, or by the Creation of a Sinking Fund for that Purpose in such Manner as shall be approved of by the said Commissioners, to the end that the whole of every such Principal Debt may be discharged, with the Mesne Interest thereof, out of the said Rents and Profits, or Funds and Revenues and Income, within or at the Expiration of the Period of Thirty Years from the borrowing thereof: Provided also, that in every such Mortgage there shall be contained a Proviso that when the whole of such Principal Debt, Interest, and Costs shall be discharged and satisfied in manner aforesaid, the Mortgage Term thereby created, shall absolutely cease and determine: Provided always, that where any such Mortgage is made for raising Money

Provision
for the
Discharge
of the
Monies bor-
rowed on
Mortgages.

¹ Such money may be also applied in restoring or rebuilding the chancel of any church which the University or College may be by law liable to restore or rebuild, 43 & 44 Vict. c. 46. s. 3 (*infra*). As to the power of applying purchase money of land sold for purposes of this section see note to s. 9.

A. D. 1858. for the Purchase of the Estate or Interest of a Lessee of Lands held under such University or College, Provision shall be made for applying by some of the Means aforesaid, so long as the Lease but for such Purchase would have continued (unless the Monies secured by such Mortgage be sooner discharged), towards the Interest and Discharge of the Principal Money, such yearly Sum as shall be certified by the said Copyhold Commissioners to be equal to the clear yearly Value of the Lands comprised in such Lease, after deducting the Rent reserved to the University or College, and making other usual and proper Landlords Deductions.¹

Act to extend to Lands held in trust, or for special Endowments.

XXIX. The Powers and Provisions of this Act in relation to any Lands vested in the said Universities and in any College therein respectively, and in the Colleges of *Saint Mary of Winchester* near *Winchester*, and of *King Henry the Sixth at Eton*, shall extend and be applicable not only to any Lands so vested as the Property or for the general Purposes of the University or College, but also to any Lands so vested which may be held upon any Trusts, or for any special Endowment or other Purpose connected with the University or College.

Act not to restrain existing Powers.

XXX. Nothing in this Act contained shall restrain the said Universities or any College therein respectively, or the Colleges of *Saint Mary of Winchester* near *Winchester*, or of *King Henry the Sixth at Eton*, from exercising any Powers of Sale, Enfranchisement, Exchange, Purchase, or borrowing Monies, or from granting any Leases or making any Grants, whether by way of Renewal or otherwise, which the said Universities or any such College as aforesaid might have exercised or granted under the Provisions of any Public or Private Act of Parliament, or under any other Authority, or in any other Manner whatsoever, in case this Act had not been passed²: Provided, that upon any Exchange being

¹ The last proviso of this section is repealed. See note to s. 1.

² For previous general statutory powers (1) of sale and exchange by Oxford University and Colleges of houses and land in Oxford, see 7 Geo. 1. c. 13 (*supra*) and 11 Geo. 3. c. 19. ss. 78, 79 (*supra*), and of any lands 19 & 20

effected under the Provisions of "The Acts for the Inclosure, A. D. 1858. Exchange, and Improvement of Land" it shall be lawful for the "Inclosure Commissioners for *England and Wales*" to authorize any Monies by way of Equality of Exchange to be received by any such University or College, and any Monies to be so received shall be paid into the Bank of *England* to the Account and in manner herein-before particularly mentioned, and until such Payment as aforesaid no Order of Exchange shall be finally confirmed by the said last-named Commissioners, and a Recital of such Payment in the Order of Exchange shall be conclusive Evidence thereof: Provided also, that notwithstanding the Provisions of the Act passed in the Eighteenth Year of the Reign of Her Majesty Queen *Elizabeth*, Chapter Six,¹ it shall not be necessary to reserve or make payable in Corn any Part of the Rent to be reserved upon any Lease to be granted under the Powers of this Act.

XXXI. For the Purposes of this Act the Cathedral or House of *Christ Church* in *Oxford* shall be considered to be to all Intents and Purposes a College of the University.

XXXII. In the Construction of this Act (unless there be something in the Subject or Context repugnant thereto) the Word "Person" or the Word "Persons" shall include Corporations whether Aggregate or Sole authorized by Law to take and hold Lands; the Word "Lease" shall include Grant by Copy of Court Roll; the Word "Lands" shall include Tenements and Hereditaments, corporeal and incorporeal; and the Word "Lessee" shall include any Person or Body Corporate in whom any subsisting Lease or Grant, or the Term or Estate thereby granted in the whole or any Part of the Lands comprised in such Lease, is either by the original Grant or Demise; or by Assignment, Devise, or Operation of Law for the Time being vested.

Vict. c. 95 (*supra*) (repealed by s. 5 of this Act); and (2) of granting leases, see (*supra*) 13 Eliz. c. 10, 14 Eliz. c. 11, 18 Eliz. cc. 6 and 11, 5 Geo. 3. c. 17, and 39 & 40 Geo. 3. c. 41. See further as to leases on fines 23 & 24 Vict. c. 59. s. 3 (*infra*).

¹ *Supra*.

Christ Church to be considered a College.
Interpretation of Terms.

A. D. 1858. XXXIII. It shall be sufficient for all Purposes to cite
Short Title. this Act as "The Universities and College Estates Act,
1858."

The SCHEDULE referred to in the foregoing Act.¹

Form of Order authorizing Sale or Enfranchisement or Exchange.

COPYHOLD COMMISSION.

In the Matter of "The Universities and College Estates Act,
1858." Exparte Oxford [or] University [or
College in the University of]

WHEREAS a Statement has been submitted to the Copyhold Commissioners on behalf of the said University [or College] containing a Proposal for the Sale or Enfranchisement or Exchange [as the Case may be] of certain Lands, &c., belonging to the said University [or College] [state shortly the Particulars of such Lands, &c., the Terms of such Enfranchisement, and the Consideration Money or Description of other Lands to be given in Exchange, with any other material Circumstances]. Now the said Commissioners being of opinion, upon Consideration of the Circumstances, that the said proposed Sale, [or Enfranchisement, or Exchange,] will be advantageous and for the Interests of the said University [or College] and their Successors, do authorize the said University [or College] to carry such proposed Sale, [or Enfranchisement, or Exchange,] into effect upon the Terms above stated.

Witness their Hands and Common Seal,
this Day of

Form of Order approving a Reinvestment in the Purchase of other Lands.

COPYHOLD COMMISSION.

In the Matter of "The Universities and College Estates Act,
1858." Exparte Oxford [or] University [or
College in the University of]

WHEREAS there is now standing in the Books of the Governor and

¹ The Schedule is repealed. See note to s. 4.

Company of the Bank of England to the Credit of the Account of A. D. 1858.
the Copyhold Commissioners, *Ex parte* [*here state the particular Account*], the Sum of £ [*insert Amount of Cash or Stock*],
being Monies received from the Sale [*or Enfranchisement, or for Equality of Exchange, as the Case may be*] of certain Lands belonging to the said University [*or College*], by virtue of certain Orders heretofore issued by the said Commissioners under the Provisions of the said Act. And whereas it has been represented to the said Commissioners that the Purchase of certain Lands situate at
consisting of [*state shortly the Particulars of such Lands, the Purchase Money, with any other material Circumstances*] is a fit and proper Purchase whereon to invest the said Sum of £ [*or the Sum of £* ,
part of the said aggregate Sum of £]. Now the said Commissioners being of opinion, upon consideration of the above Circumstances, that the said proposed Purchase will be advantageous, and for the Interests of the said University [*or College*] and their Successors, do hereby approve of the same on the Terms above stated, and do direct that the same Purchase shall forthwith be completed by such University [*or College*], and that upon the Completion thereof the said Sum of £ , now standing to the Credit of the said Account of the said Commissioners as aforesaid, [*or the said Sum of £* , to be paid or raised out of the said Sum of £ now standing to the Credit of the Account of the Commissioners as aforesaid,] shall be applied in Payment of the said Purchase Money.

Witness their Hands and Common Seal,
this Day of

Form of Order authorizing a Mortgage.

COPYHOLD COMMISSION.

In the Matter of "The Universities and College Estates Act, 1858." *Ex parte* Oxford [*or*] University [*or* . College in the University of] .

WHEREAS a Statement has been submitted to the Copyhold Commissioners on behalf of the said University [*or College*], containing a Proposal for the raising of the Sum of £ by way of Mortgage of [*name the Lands proposed to be mortgaged, the*

A. D. 1858. *Purposes for which the Sum is to be raised, with any other material Circumstances*]. Now the said Commissioners being of opinion, upon Consideration of the Circumstances, that the said proposed Sum of £ may be advantageously raised and applied in the Manner and for the Purposes aforesaid, do authorize the said University [*or College*] to raise the same Sum for the Purposes aforesaid by Mortgage of the said Lands, for any Term not exceeding Years, with Interest thereon in the meantime after the Rate of £ per Cent. per Annum, payable half-yearly during the Continuance of the said Loan, or [*as the Case may be*] by the Grant of an Annuity to be secured on such Lands in manner provided by the Twenty-seventh Section of this Act.

Witness their Hands and Common Seal,
this Day of

21^o & 22^o VICT. CAP. XLVIII.

An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion.¹ [23d July 1858.]

WHEREAS it is expedient that One Oath should be substituted for the Oaths of Allegiance, Supremacy, and Abjuration now required by Law: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Oath to be taken instead of Oaths of Allegiance, Supremacy, and Abjuration.

I. Instead of the Oaths of Allegiance, Supremacy, and Abjuration, where the same are now by Law required to be taken, and taken and subscribed respectively, the following Oath shall be taken and subscribed:

¹ For the forms of the oaths of allegiance, supremacy, and abjuration in force before the passing of this Act see 1 Geo. 1. Sess. 2. c. 13 (*supra*) and 6 Geo. 3. c. 53 (*supra*). A shorter form of oath was substituted by 30 & 31 Vict. c. 75 (*infra*) for that prescribed by this Act, and by 31 & 32 Vict. c. 72. s. 9 (*infra*) the obligation to take the oath was removed as regards the Universities. This Act was repealed by 34 & 35 Vict. c. 48.

I. A. B. do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my Power against all Conspiracies and Attempts whatever which shall be made against Her Person, Crown, or Dignity, and I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and traitorous Conspiracies which may be formed against Her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my Power, the Succession of the Crown, which Succession, by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia Electress of Hanover, and the Heirs of Her Body being Protestants, hereby utterly renouncing and abjuring any Obedience or Allegiance unto any other Person claiming or pretending a Right to the Crown of this Realm; and I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence, or Authority, ecclesiastical or spiritual, within this Realm: And I make this Declaration upon the true Faith of a Christian.

So help me GOD.'

II. Where in the Oath hereby appointed the Name of Her present Majesty is expressed or referred to, the Name of the Sovereign of this Kingdom for the Time being, by virtue of the Act "for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," shall be substituted from Time to Time, with proper Words of Reference thereto.

III. The Oath hereby appointed shall be taken and subscribed in the same Cases, and by and before the same Persons, and at the same Times and Places, as the Oaths of Allegiance, Supremacy, and Abjuration are respectively now directed to be taken, and taken and subscribed; and the taking and subscribing of the Oath hereby appointed shall have the like Effect as the taking, and taking and

A. D. 1858.

The Name of the Sovereign for the Time being to be used in the Oath.

Oath appointed by this Act to be taken in the same Cases and in like Manner as the present Oaths.

A. D. 1858. subscribing respectively of the Oaths of Allegiance, Supremacy, and Abjuration would have had if this Act had not been passed; and the Refusal, Neglect, or Omission to take and subscribe the Oath hereby appointed shall be attended with the like Disabilities, Incapacities, Penalties, Liabilities, and Consequences as now by Law provided in the Case of Refusal, Neglect, or Omission to take, or take and subscribe respectively the Oaths of Allegiance, Supremacy, and Abjuration; and all Provisions now in force shall be construed and take effect accordingly: Provided always, that no Person, having before the Commencement of this Act taken the Oaths of Allegiance, Supremacy, and Abjuration, shall be required to take and subscribe the Oath hereby appointed, unless and until he would be by Law required to take the said Oaths of Allegiance, Supremacy, and Abjuration in case this Act had not been passed.

[Sections 4, 5, and 6 contain provisions for Quakers, Jews, and Roman Catholics.]

21^o & 22^o VICT. CAP. LXXI.

An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts. [2d August 1858.]

[Sections 1-3 authorize the Charity Commissioners on the application of the Bishops concerned or one of them to make orders transferring from the Bishop of one Diocese to the Bishop of another Trusteeships or powers of nomination or control or other powers in relation to Charitable Foundations or trusts for public Purposes within or in favour of Clergy, Parishioners, or other Persons or objects of or belonging to any place which by alteration of the boundaries of the Dioceses has been transferred from the one to the other.]

Nothing to
affect

IV. Provided always, That nothing herein contained

shall be construed to extend to or in any way affect Trusts of a visitorial or any other Nature or Character exercised in or over any College, Hall, or School within the Precincts or under the Jurisdiction or Government of either of the Universities of *Oxford* or *Cambridge*, or in or over the Colleges or Schools of *Saint Mary at Eton*, *Saint Mary at Winchester*, and *Saint Peter at Westminster*.

A. D. 1858.
Trusts, &c.
within the
Universi-
ties, and
Colleges of
Eton, Win-
chester, and
West-
minster.

21° & 22° VICT. CAP. XC.

An Act to regulate the Qualifications of Practitioners in Medicine and Surgery.

[2d August 1858.]

WHEREAS it is expedient that Persons requiring Medical Aid should be enabled to distinguish qualified from unqualified Practitioners: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may for all Purposes be cited as "The Short Title. Medical Act."

II. This Act shall commence and take effect from the First Day of *October* One thousand eight hundred and fifty-eight.

III. A Council which shall be styled "The General Council of Medical Education and Registration of the United Kingdom," herein-after referred to as the General Council, shall be established, and Branch Councils for *England*, *Scotland*, and *Ireland* respectively formed there-out as herein-after mentioned.

IV. The General Council shall consist of One Person chosen from Time to Time by each of the following Bodies; (that is to say,)

The Royal College of Physicians:

The Royal College of Surgeons of *England*:

The Apothecaries Society of *London*:

Members
of Council.

A. D. 1858.

The University of *Oxford* :The University of *Cambridge* :The University of *Durham* :The University of *London* :The College of Physicians of *Edinburgh* :The College of Surgeons of *Edinburgh* :The Faculty of Physicians and Surgeons of *Glasgow* :

One Person chosen from Time to Time by the University of *Edinburgh* and the Two Universities of *Aberdeen* collectively :

One Person chosen from Time to Time by the University of *Glasgow* and the University of *Saint Andrew's* collectively :

One Person chosen from Time to Time by each of the following Bodies :

The King and Queen's College of Physicians in *Ireland* :

The Royal College of Surgeons in *Ireland* :

The Apothecaries Hall of *Ireland* :

The University of *Dublin* :

The Queen's University in *Ireland* :

And Six Persons to be nominated by Her Majesty with the Advice of Her Privy Council, Four of whom shall be appointed for *England*, One for *Scotland*, and One for *Ireland*; and of a President, to be elected by the General Council.¹

Branches of
the Council
for Eng-
land, Scot-
land, and
Ireland.

VI. The Members chosen by the Medical Corporations and Universities of *England*, *Scotland*, and *Ireland* respectively, and the Members nominated by Her Majesty, with the Advice of Her Privy Council, for such Parts respectively of the United Kingdom, shall be the Branch Councils for such Parts respectively of the United Kingdom, to which Branch Councils shall be delegated such of the Powers and Duties vested in the Council as the Council

¹ Section 4 was repealed by 49 & 50 Vict. c. 48. s. 28. Sched. (*infra*). The Royal University of Ireland had been previously substituted for the Queen's University in Ireland (dissolved) by 46 & 47 Vict. c. 19.

may see fit other than the Power to make Representations A. D. 1858.
to Her Majesty in Council as herein-after mentioned: The
President shall be a Member of all the Branch Councils.

XV. Every Person now possessed, and (subject to the
Provisions herein-after contained) every Person hereafter
becoming possessed, of any One or more of the Qualifica-
tions described in the Schedule (A.) to this Act, shall, on
Payment of a Fee, not exceeding Two Pounds, in respect
of Qualifications obtained before the First Day of *January*
One thousand eight hundred and fifty-nine, and not ex-
ceeding Five Pounds in respect of Qualifications obtained
on or after that Day, be entitled to be registered on pro-
ducing to the Registrar of the Branch Council for *England*,
Scotland, or *Ireland* the Document conferring or evidencing
the Qualification or each of the Qualifications in respect
whereof he seeks to be so registered, or upon transmitting
by Post to such Registrar Information of his Name and
Address, and Evidence of the Qualification or Qualifica-
tions in respect whereof he seeks to be registered, and of
the Time or Times at which the same was or were respec-
tively obtained: Provided always, that it shall be lawful
for the several Colleges and other Bodies mentioned in the
said Schedule (A.) to transmit from Time to Time to the
said Registrar Lists certified under their respective Seals
of the several Persons who, in respect of Qualifications
granted by such Colleges and Bodies respectively, are for
the Time being entitled to be registered under this Act,
stating the respective Qualifications and Places of Resi-
dence of such Persons; and it shall be lawful for the
Registrar thereupon, and upon Payment of such Fee as
aforesaid in respect of each Person to be registered, to
enter in the Register the Persons mentioned in such Lists,
with their Qualifications and Places of Residence as therein
dated, without other Application in relation thereto.

XVIII. The several Colleges and Bodies in the United
Kingdom mentioned in Schedule (A.) to this Act shall from
Time to Time, when required by the General Council,
furnish such Council with such Information as they may
Council
may
require
Informa-
tion as to
Course of

A.D. 1858. require as to the Courses of Study and Examinations to Study, &c., be gone through in order to obtain the respective Qualifications mentioned in Schedule (A.) to this Act, and the Ages at which such Courses of Study and Examination are required to be gone through, and such Qualifications are conferred, and generally as to the Requisites for obtaining such Qualifications ; and any Member or Members of the General Council, or any Person or Persons deputed for this Purpose by such Council, or by any Branch Council, may attend and be present at any such Examinations.

Colleges may unite in conducting Examinations.

XIX. Any Two or more of the Colleges and Bodies in the United Kingdom mentioned in Schedule (A.) to this Act may, with the Sanction and under the Directions of the General Council, unite or co-operate in conducting the Examinations required for Qualifications to be registered under this Act.

Defects in the Course of Study or Examinations may be represented by General Council to Privy Council.

XX. In case it appear to the General Council that the Course of Study and Examinations to be gone through in order to obtain any such Qualification from any such College or Body are not such as to secure the Possession by Persons obtaining such Qualification of the requisite Knowledge and Skill for the efficient Practice of their Profession, it shall be lawful for such General Council to represent the same to Her Majesty's Most Honourable Privy Council.

Privy Council may suspend the Right of Registration in respect of Qualifications granted by College, &c. in default but may be revoked.

XXI. It shall be lawful for the Privy Council, upon any such Representation as aforesaid, if it see fit, to order that any Qualification granted by such College or Body, after such Time as may be mentioned in the Order, shall not confer any Right to be registered under this Act : Provided always, that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, when it is made to appear to Her, upon further Representation from the General Council or otherwise, that such College or Body has made effectual Provision, to the Satisfaction of such General Council, for the Improvement of such Course of Study or Examinations, or the Mode of conducting such Examinations, to revoke any such Order.

XXII. After the Time mentioned in this Behalf in any such Order in Council no Person shall be entitled to be registered under this Act in respect of any such Qualification as in such Order mentioned, granted by the College or Body to which such Order relates, after the Time therein mentioned, and the Revocation of any such Order shall not entitle any Person to be registered in respect of any Qualification granted before such Revocation.

A. D. 1858.
Persons not to be registered in respect of Qualifications granted by the College before Revocation.

XXIII. In case it shall appear to the General Council that an Attempt has been made by any Body, entitled under this Act to grant Qualifications, to impose upon any Candidate offering himself for Examination an Obligation to adopt or refrain from adopting the Practice of any particular Theory of Medicine or Surgery, as a Test or Condition of admitting him to Examination or of granting a Certificate, it shall be lawful for the said Council to represent the same to Her Majesty's most Honourable Privy Council, and the said Privy Council may thereupon issue an Injunction to such Body so acting, directing them to desist from such Practice ; and in the event of their not complying therewith, then to order that such Body shall cease to have the Power of conferring any Right to be registered under this Act so long as they shall continue such Practice.

Privy Council may prohibit Attempts to impose Restrictions as to any Theory of Medicine or Surgery by Bodies entitled to grant Certificates.

XXVIII. If any of the said Colleges or the said Bodies at any Time exercise any Power they possess by Law of striking off from the List of such College or Body the Name of any One of their Members, such College or Body shall signify to the General Council the Name of the Member so struck off ; and the General Council may, if they see fit, direct the Registrar to erase forthwith from the Register the Qualification derived from such College or Body in respect of which such Member was registered, and the Registrar shall note the same therein : Provided always, that the Name of no Person shall be erased from the Register on the Ground of his having adopted any Theory of Medicine or Surgery.

Names of Members struck off from List of College, &c. to be signified to General Council.

XXXI. Every Person registered under this Act shall

Privileges

A. D. 1858. be entitled according to his Qualification or Qualifications of registered Persons. to practise Medicine or Surgery, or Medicine and Surgery, as the Case may be, in any Part of Her Majesty's Dominions, and to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for professional Aid, Advice, and Visits, and the Cost of any Medicines or other Medical or Surgical Appliances rendered or supplied by him to his Patients: Provided always, that it shall be lawful for any College of Physicians to pass a Byelaw to the effect that no one of their Fellows or Members shall be entitled to sue in manner aforesaid in any Court of Law, and thereupon such Byelaw may be pleaded in bar to any Action for the Purposes aforesaid commenced by any Fellow or Member of such College.

None but registered Persons to recover Charges.

XXXII. After the First Day of *January*¹ One thousand eight hundred and fifty-nine, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine which he shall have both prescribed and supplied, unless he shall prove upon the Trial that he is registered under this Act.

Meaning of Terms "legally qualified Medical Practitioner," &c.

XXXIV. After the First Day of *January*² One thousand eight hundred and fifty-nine, the Word "legally qualified Medical Practitioner" or "duly qualified Medical Practitioner," or any Words importing a Person recognized by Law as a Medical Practitioner or Member of the Medical Profession, when used in any Act of Parliament, shall be construed to mean a Person registered under this Act.

Registered Persons exempted from serving on Juries, &c.

XXXV. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving³ all corporate, parochial, Ward, Hundred, and Township Offices, and from serving in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

¹ The 1st of July, 1859, is substituted in ss. 32, 34, 36, and 37 for the first of January, 1859, by 22 Vict. c. 21. s. 1.

² See note to s. 32.

XXXVI. After the First Day of *January*¹ One thousand eight hundred and fifty-nine, no Person shall hold any Appointment as a Physician, Surgeon, or other Medical Officer either in the Military or Naval Service, or in Emigrant or other Vessels, or in any Hospital, Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary Contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmary, or old Age, or as a Medical Officer of Health, unless he be registered under this Act : Provided always, that nothing in this Act contained shall extend to repeal or alter any of the Provisions of the Passengers Act, 1855.

A. D. 1858.
Unregistered Persons not to hold certain Appointments.

XXXVII. After the First Day of *January*¹ One thousand eight hundred and fifty-nine, no Certificate required by any Act now in force, or that may hereafter be passed from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner, shall be valid unless the Person signing the same be registered under this Act.

No certificate to be valid unless Person signing be registered.

SCHEDULE (A.)

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member or Licentiate in Midwifery of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.

¹ See note to s. 32.

A. D. 1858. 7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.

8. Licentiate of the Society of Apothecaries, London.

9. Licentiate of the Apothecaries Hall, Dublin.

10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any University of the United Kingdom; or Doctor of Medicine by Doctorate granted prior to passing of this Act by the Archbishop of Canterbury.

11. Doctor of Medicine of any Foreign or Colonial University or College, practising as a Physician in the United Kingdom before the First Day of October 1858, who shall produce Certificates to the Satisfaction of the Council of his having taken his Degree of Doctor of Medicine after regular Examination, or who shall satisfy the Council, under Section Forty-five¹ of this Act, that there is sufficient Reason for admitting him to be registered.²

21^o & 22^o VICT. CAP. XCIV.

An Act to amend the Copyhold Acts.³

[2d August 1858.]

[Section 4 excludes from the operation of the Copyhold Acts 'Manors belonging, either in possession or reversion, to any Ecclesiastical Corporation, . . . where the Tenant hath not a Right of Renewal'.

Section 5 provides for the application of enfranchisement moneys in which Ecclesiastical Corporations are interested.

Section 19 provides that when land proposed to be enfranchised is held of a manor belonging to an

¹ The reference to s. 45, by mistake for s. 46, is corrected by 22 Vict. c. 21.

s. 5.

² By the Medical Act, 1859 (22 Vict. c. 21) s. 4 the term 'Member' is to be added after the term 'Fellow' in the first and second heads of this Schedule: and by the Medical Acts Amendment Act, 1860 (23 & 24 Vict. c. 7) s. 1 a diploma or licence in surgery granted by an Irish University is a qualification to practise and entitles the holder to registration in like manner and with the like provisions as apply to a master in surgery of any University in the United Kingdom.

³ This Act was repealed by 57 & 58 Vict. c. 46. s. 100 (*infra*).

Ecclesiastical Corporation notice of the proceedings A. D. 1858. shall be given to the Ecclesiastical Commissioners.]

LI. In the Construction of this Act the Words "Ecclesiastical Corporation" shall not be taken to extend to or include the Cathedral or House of *Christ Church, Oxford.*

"Ecclesiastical Corporation" not to extend to Christ Church, Oxford.

21^o & 22^o VICT. CAP. XCVIII.

An Act to amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts.¹

[2d August 1858.]

[This Act provides that, upon the adoption thereof by a vote of inhabitants, the powers conferred thereby and by 11 & 12 Vict. c. 63 (*supra*) and Acts incorporated therewith shall be vested in 'Local Boards'. The Local Board is to be, in a borough the corporation acting by the borough council, in an Improvement District the Improvement Commissioners, and elsewhere a board to be elected in manner prescribed. The General Board of Health is superseded in favour of a Secretary of State.]²

Oxford and Cambridge.

LXXXII. Notwithstanding anything contained in this Act, the *Oxford* and *Cambridge* Commissioners, described in the Thirty-first Section of the Public Health Act, 1848, shall be the Bodies authorized to adopt this Act for the Districts respectively within their Jurisdiction; and in the

Exception of Oxford and Cambridge.

¹ For the adoption of this Act by the Oxford Commissioners and the constitution of the Oxford Local Board see 28 & 29 Vict. c. 108 (*infra*). The Local Board became the Urban Sanitary Authority for Oxford under 35 & 36 Vict. c. 79 (*infra*), and, with an amended constitution and further enlarged district, under the Public Health Act, 1875 (38 & 39 Vict. c. 55) (*infra*), s. 343 of which repealed this Act.

The Cambridge Commissioners became the Urban Sanitary Authority for their district under each of the two Acts last cited.

² The powers of the Secretary of State under this Act were transferred to the Local Government Board by 34 & 35 Vict. c. 70. s. 7.

A. D. 1858. event of the Adoption of this Act by the said *Cambridge* Commissioners, the said Commissioners shall be the Local Board for the District of *Cambridge*; and in the event of such adoption by the said *Oxford* Commissioners, the Local Board of the *Oxford* District shall consist of the Vice-Chancellor of the University of *Oxford* and the Mayor of *Oxford* for the Time being, and of Forty-five other Commissioners, Fifteen to be elected by the University of *Oxford*, Sixteen by the Town Council of *Oxford*, and Fourteen by the Ratepayers of the Parishes situate within the Jurisdiction of the *Oxford* Commissioners; and the Election of such Commissioners by the Town Council and by the Ratepayers of the Parishes respectively shall be conducted at the same Time, in the same Way, and subject to the same Regulations in and subject to which Members constituting the Body of *Oxford* Commissioners are now respectively chosen by such Town Council and Parishes¹; and the Fifteen Commissioners to be elected by the University shall be elected as follows; namely, Four Commissioners shall be elected by the University in Convocation, and Eleven Commissioners shall be elected by the Heads and Senior Bursars of the several Colleges and by the Heads of the several Halls; and the Elections shall be conducted by the said University, and by the Colleges and Halls respectively, at the same Time and in the same Way, and subject to the same Regulations, in and subject to which Guardians of the Poor for the University and for the Colleges and Halls are now chosen by them respectively,² save that in the Election of Commissioners the Heads and Bursars of all the Colleges and the Heads of all the Halls shall be summoned by the Vice-Chancellor for that Purpose, and shall be entitled to vote; and Differences between

¹ See 11 Geo. 3. c. 19. s. 4 (*supra*) for elections of Commissioners by the parishes; no Commissioners were chosen as such by the Town Council, but the Mayor and certain other officers elected by the Council were *ex officio* Commissioners.

The time for holding elections under this section was altered by 27 & 28 Vict. c. 68. s. 1 (*infra*), and again by 28 & 29 Vict. c. 108. s. 4 (*infra*).

² See 17 & 18 Vict. c. ccxix. ss. 3, 4 (*supra*).

either of the Universities of *Oxford* and *Cambridge* and the Local Boards of *Oxford* and *Cambridge* respectively within the Meaning of the One hundred and fifth section of the Public Health Act, 1848, shall be settled by Arbitration in the Manner provided by that Act. A. D. 1858.

22° & 23° VICT. CAP. XIX.

An Act to repeal Part of an Act passed in the A. D. 1859.
Thirteenth Year of *Elizabeth*, Chapter Twenty-

nine, concerning the several Incorporations of the Universities of *Oxford* and *Cambridge*, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them.

[13th August 1859.]

WHEREAS in and by an Act passed in the Thirteenth Year of Her Majesty Queen *Elizabeth*, intituled *An Act concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them*,¹ it is amongst other things enacted, that the Letters Patent of the Queen's Highness's Father, King *Henry* the Eighth, made and granted to the Chancellor and Scholars of the said University of *Oxford*, bearing Date the First Day of *April* in the Fourteenth Year of His Reign, and the Letters Patents of the Queen's Majesty that then was made and granted unto the Chancellor, Masters, and Scholars of the University of *Cambridge*, bearing Date the Sixth-and-twentieth day of *April* in the Third Year of Her Highness's most Gracious Reign, and also all other Letters Patents by any of the Progenitors or Predecessors of our said Sovereign Lady made to either of the said corporated Bodies, severally, or to any of their Predecessors of either of the said Universities, by whatsoever Name or Names the said Chancellor, Masters, and Scholars of either of the said Universities, in

¹ 13 Eliz. cap. 29 (*supra*).

A. D. 1859. any of the said Letters Patents had been theretofore named, should from thenceforth be good, effectual, and available in the Law to all Intents, Constructions, and Purposes to the foresaid then Chancellor, Masters, and Scholars of either of the said Universities, and to their Successors for evermore, after and according to the Form, Words, Sentences, and true Meaning of every of the same Letters Patents, as amply, fully, and largely as if the same Letters Patents had been recited verbatim in that present Act of Parliament, anything to the contrary in anywise notwithstanding; and it was further enacted, that all manner of Instruments, Indentures, Obligations, Writings Obligatory, and Recognizances made or acknowledged by any Person or Persons or Body Corporate to either of the said corporated Bodies of either of the said Universities, by what Name or Names soever the said Chancellor, Masters, and Scholars of either of the said Universities had been theretofore called in any of the said Instruments, Indentures, Obligations, Writings Obligatory, or Recognizances, should be from thenceforth available, stand and continue of good, perfect, and full Force and Strength, to the then Chancellor, Masters, and Scholars of either of the said Universities, and to their Successors, to all Intents, Constructions, and Purposes, although they or their Predecessors, or any of them, in any of the said Instruments, Indentures, Obligations, Writings Obligatory, or Recognizances were named by any Name contrary or diverse to the Name of the then Chancellor, Masters, and Scholars of either of the said Universities; and it was also enacted, that as well the said Letters Patents of the Queen's Highness's said Father, King *Henry the Eighth*, bearing Date as was before expressed, made and granted to the said corporated Body of the said University of *Oxford*, as the Letters Patents of the Queen's Majesty aforesaid granted to the Chancellor, Masters, and Scholars of the University of *Cambridge*, bearing Date as aforesaid, and all other Letters Patents by any of the Progenitors or Predecessors of Her Highness, and all

manner of Liberties, Franchises, Immunities, Quietances, A. D. 1859.
 and Privileges, Leets, Law Days, and other Things whatsoever therein expressed, given, or granted to the said Chancellor, Masters, and Scholars of either of the said Universities, or to any of their Predecessors of either of the said Universities, by whatsoever Name the said Chancellor, Masters, and Scholars of either of the said Universities in any of the said Letters Patents be named, were and by virtue of that present Act should be from thenceforth ratified, established, and confirmed unto the said Chancellor, Masters, and Scholars of either of the said Universities, and to their Successors for ever, any Statute, Law, Usage, Custom, Construction, or other thing to the contrary in anywise notwithstanding: Provided always, and it was enacted, that the said Act or anything therein contained should not extend to the Prejudice or Hurt of the Liberties and Privileges of Right belonging to the Mayors, Bailiffs, and Burgesses of the Town of *Cambridge* and City of *Oxford*, but that they the said Mayors, Bailiffs, and Burgesses, and every of them, and their Successors, should be and continue free, in such Sort and Degree, and enjoy such Liberties, Freedoms, and Immunities, as they or any of them lawfully might have done before the making of that present Act, anything contained in the said Act to the contrary notwithstanding: And whereas by Letters Patent, dated the Twenty-ninth Day of May in the Thirty-second Year of the Reign of His late Majesty King *Henry* the Third, the said King did grant to the Scholars of the *University of Oxford*, amongst other things, that, so often and whensoever the Mayor and Bailiffs of *Oxford* should take the Oath of their Fealty in their common Place, the Commonalty of the same Town should inform the Chancellor, in order that, if he wished, by himself or by some chosen Persons, he might be present at the taking of the aforesaid Oath, which Oath indeed as to the aforesaid Scholars should be of this Sort, that is to say, that the Mayor and Bailiffs themselves should keep the Liberties

Cap. 19] *Universities Incorporation Act* [22 & 23 VICT.
Amendment.

A. D. 1859. and Customs of the aforesaid University, otherwise their Oath should be of no Avail, but should be taken again according to the prescribed Form; but if the Chancellor should not wish to be present, either by himself or by a Proctor, the Oath should nevertheless be taken: And whereas Provisions in relation to the Observance of the same Oath, or an altered Oath in lieu thereof, have been made by subsequent Letters Patent granted by Kings and Queens of this Realm to the Chancellor, Masters, and Scholars of the University of *Oxford*, and also by Orders of the Privy Council made in the Reigns of Queen *Elizabeth*, King *James* the First, and King *Charles* the Second: And whereas by the Statutes of the University of *Oxford*, which the Chancellor and Vice-Chancellor of the University have taken their respective Oaths to observe and perform, it is enjoined on each of them that they do exact the said annual Oath of the Mayor and Burgesses of *Oxford*: And whereas the Mayor, Aldermen, and Citizens of the City of *Oxford* desire to be relieved from the Obligation of taking any such Oath, and the Chancellor, Masters, and Scholars of the University of *Oxford* are willing that the said Mayor, Aldermen, and Citizens should be so relieved, but they are advised that such Relief can only be granted by the Authority of Parliament: Be it therefore enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of
Duty to
take Oath.

I. So much of the herein-before recited Act of Parliament, and of all Charters, Letters Patent, Orders in Council, Obligations, Deeds, or Instruments, as imposes upon the said Mayor, Aldermen, and Citizens, or any of them, or any Municipal Officer of the City of *Oxford*, the Obligation of taking any Oath for the Conservation of the Liberties and Privileges of the University of *Oxford*, or any such Oath as is herein-before referred to, shall be and the same is hereby repealed and annulled and made void.

II. The Mayor, Aldermen, and Citizens of *Oxford* shall not hereafter, nor shall any of them, nor shall any Municipal Officer of the City of *Oxford*, be required to take any Oath or to make any Declaration for the Conservation of the Liberties and Privileges of the University of *Oxford*: Provided always, that, notwithstanding anything herein contained, the Mayor, Aldermen, and Citizens of *Oxford*, and all Officers of the same City, shall observe and keep all manner of lawful Liberties and Customs which the Chancellor, Masters, and Scholars of the said University have reasonably used, without any Gainsaying; saving, nevertheless, the Fidelity of the said Mayor, Aldermen, Citizens, and Officers to the Queen's Majesty, and saving also the Liberties and Privileges of Right belonging to the said Mayor, Aldermen, and Citizens, and to the Officers of the said City.

A. D. 1859.
 Prohibition of any Requisition to Mayor, &c. to take such Oath.

22° & 23° VICT. CAP. XXXIV.

An Act to continue the Powers of the Commissioners under an Act of the Nineteenth and Twentieth Years of Her Majesty, concerning the University of *Cambridge* and the College of King *Henry* the Sixth at *Eton*.

[13th August 1859.]

WHEREAS an Act was passed in the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Eighty-eight, "to make further Provision for the good Government and Extension of the University of *Cambridge*, of the Colleges therein, and of the College of King *Henry* the Sixth at *Eton*:"¹ And whereas by the said Act it was provided, that the Powers thereby conferred on the Commissioners for the Purposes of that Act should be in force until the First Day of *January* One thousand eight hundred and fifty-nine, and that it should be lawful

19 & 20
 Vict. c. 88.

¹ *Supra.*

Cap. 34] *Cambridge University Commission* [22 & 23 VICT.
(Continuance).

A. D. 1859. for Her Majesty, with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and sixty, and no longer: And whereas Her Majesty, with the Advice of Her Privy Council, has continued the said Powers until the First Day of *January* One thousand eight hundred and sixty: And whereas it is expedient that the said Powers should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of the Commissioners continued until the 1st January 1861.

I. The Powers conferred on the said Commissioners by the said Act shall continue until the First Day of *January* One thousand eight hundred and sixty-one, and all Powers which under the said Act might have been exercised by Colleges or other Bodies or Persons during the Continuance of the Powers of the said Commissioners shall continue and may be exercised until the said First Day of *January* One thousand eight hundred and sixty-one.

Repeal of the University Statutes of Queen Elizabeth postponed to 1st January 1861.

II. The Statutes made by Queen *Elizabeth* for the Government and Regulation of the said University, which by Section Forty-one of the said Act would be repealed after the First Day of *January* One thousand eight hundred and sixty, or such or so much of them or of any of them as shall be unrepealed by any Statute made under the Authority of the said Act and this Act or either of them, shall continue in force until the First Day of *January* One thousand eight hundred and sixty-one, and no longer.

22° & 23° VICT. CAP. LVI.

An Act to amend the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, relating to Weights and Measures.

[13th August 1859.]

XI. The Powers heretofore lawfully belonging to the Universities of *Oxford* and *Cambridge* respectively shall continue in full Force anything in this Act contained notwithstanding.¹

A. D. 1859.
Powers of Universities to remain in force.

23^d VICT. CAP. XXIII.

An Act to provide for the Consideration of an Ordinance which has been laid before Parliament in a Report of the *Oxford* University Commissioners. [25th May 1860.]

A. D. 1860.

WHEREAS by an Act passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-one, to make further Provision for the good Government and Extension of the University of *Oxford*, of the Colleges therein, and of the College of *Saint Mary, Winchester*, it was provided, that if the Powers therein-before granted to Colleges should in the Case of any College not be exercised, and no Ordinance or Regulation for effecting the Objects of such Powers should be submitted by such College to the Commissioners appointed for the Purposes of the said Act, and approved of by them, before the First Day of *Michaelmas* Term One thousand eight hundred and fifty-five, it should be lawful for the Commissioners to frame such Ordinances and Regulations as should appear to them to be necessary or expedient for the Purpose of effecting or promoting the Objects which the College was therein-before empowered to effect or promote, and such Ordinances and Regulations, if sanctioned and confirmed as therein-after required, should take effect as Statutes of such College; provided, that such Ordinances and Regulations, when properly settled by the Commissioners, should be laid before the College to which the same related, and the Visitor thereof, Two Calendar

17 & 18
Vict. c. 81.

¹ As to the transfer of the powers of the Universities with regard to weights and measures see note to 5 & 6 Will. 4. c. 63 (*supra*). This Act was repealed by 41 & 42 Vict. c. 49. s. 86. Sched. 4.

A. D. 1860. Months before the same were submitted to Her Majesty in Council, as therein-after directed; and if within the said Period of Two Calendar Months Two Thirds of the Governing Body of the said College should, by Writing under their Hand and Seal, declare that in their Opinion such Ordinances and Regulations would be prejudicial to the said College as a Place of Learning and Education, then the same should not take effect, but it should be lawful for the Commissioners to frame and submit other Rules and Regulations for the like Purpose to the said College, and so on as often as Occasion should require¹; and by the said Act it was provided, that all Ordinances and Regulations framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School or Schools, to which the same respectively related, should, in all Cases where new Ordinances and Regulations should not have been substituted, under the Provisions of the said Act, for such as should have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament²: And whereas the said Commissioners, in the Appendix to their Report to the Secretary of State bearing Date the Tenth Day of *June* One thousand eight hundred and fifty-eight, which has been laid before both Houses of Parliament, have set forth an Ordinance framed by them for the Purposes of the said Act in relation to the College of *Saint John the Baptist* in the said University, and the said Commissioners have reported that Two Thirds of the Governing Body of such College have declared by Writing under their Hand and Seal that in their Opinion the said Ordinance would be prejudicial to the said College as a Place of Learning and Education: And whereas the Powers of the said Commissioners having expired, no further Proceeding can be had on the said Ordinance, or for giving effect to the Purposes of the Act in relation to the said College: Be it therefore

17 & 18
Vict. c. 81.

Appendix
to Report,
dated
10th June
1858.

¹ 17 & 18 Vict. c. 81. s. 29 (*supra*).

² 17 & 18 Vict. c. 81. s. 33 (*supra*).

enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. It shall be lawful for Her Majesty, by Order in Council, to be made within Six Months after the passing of this Act, to refer the said Ordinance and Declaration set forth in the Appendix to the said Report for the Consideration and Advice of a Committee of Five Members of Her Privy Council, to be named in such Order, and of whom Two, not including the Lord President, shall be Members of the Judicial Committee.

Power to Her Majesty to refer the said Ordinance and Declaration to a Committee of Privy Council.

II. It shall be lawful for the said College and for the Governing Body of every or any School or Place of Education affected by the said Ordinance, and for every or any Corporation or Person who would have been authorized to petition Her Majesty in Council against the Approbation of the said Ordinance, in case the same had not been objected to by Two Thirds of the Governing Body of the College, and had been laid before Her Majesty in Council under the said recited Act, to petition, within Two Calendar Months after the passing of this Act, Her Majesty in Council for the Approbation of the said Ordinance or of any Part thereof, or for the Substitution of other Regulations (which may be set forth or referred to by any such Petition) for giving Effect to the Purposes of the said Act in relation to the said College, for any or all of the Regulations of the said Ordinance, or for any other Modification of such Ordinance, or for the Rejection thereof; and every such Petition shall be referred to the Committee to whom the said Ordinance is referred.

Power to Parties interested to petition Her Majesty in relation to the Ordinance.

III. The Committee to whom the said Ordinance is referred shall consider the same, and the Report of the said Commissioners, and the Objections of the Governing Members of the said College in relation thereto, and also any Petition which may be referred to them as aforesaid, and may admit the said College and any Petitioner or Petitioners to be heard by Counsel in support of the Objec-

The Committee to consider the Ordinance and the Objections, and report to Her Majesty.

A D. 1860. tions or of the Petitions aforesaid ; and such Committee, or the major Part thereof, shall report to Her Majesty their Opinion in relation to such Ordinance, and whether the same should be approved, with or without Modifications, or should be rejected, or whether any other Regulations should be substituted for the Regulations of the said Ordinance ; provided that no Meeting of the said Committee shall be held before the Expiration of Two Calendar Months after the passing of this Act, and Twenty-one Days previous Notice of the first of such Meetings shall be published in the *London Gazette*.

Ordinance to be laid before Parliament, and if approved by Her Majesty to be a Statute of the College.

IV. In case such Committee or the major Part thereof shall report to Her Majesty their Opinion that such Ordinance should be approved, with or without Modifications, or that any other Regulations should be substituted for the Regulations of the said Ordinance, the said Ordinance or amended Ordinance shall be forthwith laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and, unless an Address be within Forty Days presented by one or other of the said Houses, praying Her Majesty to withhold Her Consent from such Ordinance or amended Ordinance, or any Part thereof, it shall be lawful for Her Majesty by Order in Council to declare Her Approbation of the said Ordinance or amended Ordinance, and such Ordinance or amended Ordinance shall thereupon become a Statute of the said College, but such Statute shall be without Prejudice to any existing Interest of any Member of such College.

23^o VICT. CAP. XXVII.

An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences.

[14th June 1860.]

[The Act regulates the granting of excise licences for A. D. 1860.
 refreshment Houses and shops where Wine is sold by
 retail.]

XLV. Nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or the Powers of the Chancellors or Vice-Chancellors of the same, as by Law possessed under the respective Charters of the said Universities or otherwise, . . .¹

Act not
to affect
the two
Universi-
ties . . .

23^o & 24^o VICT. CAP. LIX.

An Act to extend the Provisions of the Universities and College Estates Act (1858), and of the Copyhold Acts, and of the Act of the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and thirteen, and of the Seventeenth and Eighteenth Years of the same Reign, Chapter Eighty-four, so far as the same relate to Universities and Colleges.

[6th August 1860.]

WHEREAS it is expedient that the Provisions of "The Universities and College Estates Act, 1858," should be extended, and that Power should be given to Universities and Colleges, with the Consent hereafter required, to raise Monies by Mortgage under proper Restrictions to provide Compensation for the Loss of Fines on Non-renewal of Leases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

21 & 22
Vict. c. 44.²

¹ As to the rights of the Universities with respect to wine licences see 17 Geo. 2. c. 40. s. 11 (*supra*), and as to Cambridge 19 & 20 Vict. c. xvii. ss. 11, 12 (*supra*), as to Oxford 53 & 54 Vict. c. cxxiii. s. 119 (*infra*).

² *Supra*.

A. D. 1860.

Power to
raise
Monies by
Mortgage
by way of
Compensa-
tion for
Loss of
Fines on
Non-re-
newal of
Leases.

I. Whenever any Lease of any Lands belonging to the Universities of *Oxford, Cambridge, or Durham* respectively, or any College therein respectively, or the Colleges of *St. Mary of Winchester* near *Winchester*, or of *King Henry the Sixth at Eton*, the Leases of which have been customarily renewed on Payment of a Fine, shall from any Cause whatever (other than the Refusal of the University or College entitled to the Reversion of such Lands to accept such a Sum of Money by way of Fine as shall be deemed reasonable by the Copyhold Commissioners, and shall be tendered by the Lessee at the First and each successive Time of Renewal after the Commencement of this Act, or within Three Months of such Time, for the Renewal of any Lease theretofore regularly renewed,) remain unrenewed at any customary Period of Renewal, or whenever any Loss of Fines shall have been occasioned by the Surrender of any Lease upon any Transaction by way of Sale or Exchange between the said Universities or Colleges and their Lessees, under the Fourth Section of "The Universities and College Estates Act, 1858," it shall be lawful for the said Universities and Colleges respectively from Time to Time, with the Consent of the Copyhold Commissioners (such Consent to be evidenced by an Order to be issued under their Hands and the Common Seal of their Board), to raise by Mortgage of any Lands belonging to such University or College for any Term of Years (determinable as herein-after provided) such Sum or Sums of Money (together with all reasonable Costs and Expenses incidental to such Raising) as shall be required, and be stated in such Order, with Interest thereon not exceeding the Rate to be specified in such Order, for the Purpose of paying, by way of Indemnity, to the then existing Members of such University or College the same Amount of Money which would have accrued to the said Members if any such Lease as aforesaid had been renewed in manner theretofore accustomed: Provided always, that the said Power of raising Monies by Mortgage shall not be exercised for the Purpose of providing for the loss of more than Two Fines in respect of the same

Lands, and that upon the Creation of any such Mortgage A. D. 1860. Provision shall be made by such University or College, with the Approval of the said Copyhold Commissioners, for the Discharge of the borrowed Monies by some or one of the Modes prescribed by the Twenty-eighth Section of "The Universities and College Estates Act, 1858," or otherwise so and in such Manner as that the Principal Money to be borrowed at each customary Period of Renewal in respect of the same Lands may be discharged with the Mesne Interest of such Money within or at the Expiration of Thirty Years from the borrowing thereof; provided also, that in every such Mortgage there shall be contained a Proviso that when the whole of such Principal Monies, Interest, and Costs shall be discharged, the Mortgage Term thereby created shall absolutely cease: Provided always, that after any Sum shall have been raised under the Power herein-before contained in lieu of the Fines payable in respect of any Lease of any Lands no Fine shall thenceforth be taken for the Renewal or Grant of any Lease of the same Lands.

II. The Order to be issued by the said Commissioners pursuant to the foregoing Provisions shall be similar to the "Form of Order authorizing a Mortgage," contained in the Schedule to the said "Universities and College Estates Act, 1858," with such Variations only as the Circumstances of the Case shall necessarily require. Form of Order to be issued by Copyhold Commissioners evidencing their Consent.

III. Where any Lands belonging to any such University or College as aforesaid shall at any Time have been leased at the best and most improved yearly Rent without Fine, no Fine, Premium, or Foregift, or anything in the Nature thereof, shall thereafter be taken by such University or College for the Grant or Renewal of any Lease of the same Lands. Lands once leased at Rackrent not thereafter to be leased upon Fines.

IV. And whereas it is expedient that certain Provisions of the Copyhold Acts, so far as the same Provisions relate to Universities and Colleges, should be amended and explained as hereafter provided: Be it further enacted, That where any Manor belonging to any of the Universities Amendment of certain Provisions of the Copyhold Acts with

A. D. 1860. of *Oxford, Cambridge, and Durham* respectively, or any College therein respectively, or the Colleges of *St. Mary of Winchester* near *Winchester*, or *King Henry the Sixth* at *Eton*, shall be held by any Person or Persons on Lease for a Life or Lives, or for a Term of Years, granted by any such University or College, the University or College entitled to such Manor in reversion expectant on such Lease, and the Lessee thereof as aforesaid, shall jointly constitute "the Lord" of such Manor within the Meaning of "The Copyhold Acts;" and all Consideration Monies payable to the Lord of any such Manor under the same Acts shall be dealt with in the Manner directed by the Thirty-ninth Section of "The Copyhold Act, 1852,"¹ or the Sixteenth Section of "The Copyhold Act, 1858,"² (due Notice of any such Dealing being previously given to the University or College entitled as aforesaid,) until the Time when the reversionary Interest of such University or College in the Manorial Rights of such Manor would, if the same had not been extinguished, have come into possession when the said Consideration Monies, or any Securities in which the same may have been invested, shall, upon Petition to the Court of Chancery or on Application to the Trustees in whom the same shall then be vested (as the Case may be), be paid or transferred to the Copyhold Commissioners to the Account of the University or College entitled thereto, in the same Manner and to be applied for the same Purposes as Enfranchisement Monies payable for the Benefit of any University or College are directed to be paid and applied by the First Section of "The Universities and College Estates Act, 1858."³

Power to
transfer
Lands

V. When any Lands shall be vested in any Person or Persons being a Member or Members of any of the said

¹ 15 & 16 Vict. c. 51.

² 21 & 22 Vict. c. 94 (*supra*). The effect of the sections quoted from this Act and 15 & 16 Vict. c. 51 is that compensation money due to a corporation lord of a manor is to be paid into Court or at the option of the corporation to trustees and invested till laid out in the purchase of other hereditaments.

³ The section was amended by 50 & 51 Vict. c. 73. s. 46 (*infra*), and the amendment was embodied in 57 & 58 Vict. c. 46. s. 78 (*infra*).

Universities or Colleges in trust or for the Benefit of the University or College, or the Head or any other Member thereof, it shall be lawful for such Person or Persons (with the Consent of the said Copyhold Commissioners, to be signified by any Writing under their Hands and the Common Seal of their Board) to convey and transfer such Lands in such Manner as that the same may be vested in the University or College in its Corporate Capacity, upon the Trusts nevertheless affecting the same Lands respectively.

A. D. 1860.
vested in individual Members of Universities or Colleges to the University or College in its Corporate Capacity upon like Trusts.

VI. Any Two of the Copyhold Commissioners shall form a Board for the Exercise of the Powers and Authorities conferred on the said Commissioners by "The Universities and College Estates Act, 1858," and this Act; and any Order, Power of Attorney, or other Instrument issued or executed pursuant to the Provisions of the said Acts, which shall have been or shall hereafter be signed by any Two of the said Commissioners, and sealed with the Common Seal of their Board, shall be valid and sufficient for all Purposes whatsoever.

Two Copyhold Commissioners to form a Board for Exercise of Powers under 21 & 22 Vict. c. 44.

VII. And whereas it is expedient that the Provisions of the Act of the Third and Fourth Years of the Reign of Her Majesty (Chapter One hundred and thirteen), and also of the Act of the Seventeenth and Eighteenth Years of the same Reign (Chapter Eighty-four), so far as the same relate to Universities and Colleges, should be extended and amended as hereafter provided: Be it further enacted, That Section Sixty-nine¹ of the said Act of the Third and Fourth Years of Her Majesty shall be construed to extend to and shall include as well Benefices with Cure of Souls as Ecclesiastical Rectories, Prebends, and other Preferments without Cure of Souls, Advowsons, and Rights of Patronage, whether exclusive or alternate, Improprate Rectories, and other Lands and Hereditaments annexed or belonging to, or held either wholly or partly by, or in trust for, any of the Universities of *Oxford*, *Cambridge*, and *Durham*, or any College therein respectively, or either of the Colleges of *St. Mary of Winchester* near *Winchester*, and of *King*

Extension of certain Provisions of 3 & 4 Vict. c. 113. with respect to Universities and Colleges.

¹ See the section cited, and note thereto (*supra*).

A. D. 1860. *Henry* the Sixth at *Eton*, or the Head or any other Member of any such College; and also to extend to and to include and to authorize Sales by each of the same Universities, as well as each of the Colleges therein respectively, and the said Colleges of *St. Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, and shall also be construed to enable the said Universities or Colleges to sell Advowsons of Benefices the Patronage whereof shall be vested in any Person or Persons in trust for any of the said Universities or Colleges, or for the Benefit of the Head or any other Member thereof respectively, and also to authorize, under the Authority hereinafter mentioned, the Annexation of the whole or any Part of the Lands or other Hereditaments or Endowments belonging to any such Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, Improprate Rectories, and other Lands and Hereditaments aforesaid, or the Application of the Proceeds of any Sale thereof, and also the Application of the Proceeds of any Sale of Advowsons and Rights of Patronage, or any Part of the Proceeds of any such Sales, which may be made under the said Section of the said last-mentioned Act, or "The Universities and College Estates Act, 1858," or under any other Authority, or of any Monies, Stocks, Funds, or Securities belonging to such University, College, Head, or Member, by way of Endowment or Augmentation of any Benefice with Cure of Souls, the Patronage whereof shall belong to or be held in trust for or for the Benefit of such University or College, or the Head or other Member thereof: Provided nevertheless, that the Powers conferred by this Clause shall not be exercised to the Prejudice of the existing Interest of any such Head or other Member of a College without his Consent; and in case of any Diminution being occasioned in the Income of any such Head or other Member of a College by any Sale, Annexation, Purchase, or Investment that may be made under the Provisions of the said Acts, Arrangements may be made under the like Authority for giving to such Head or other Member adequate Compensation.

tion for such Diminution of his Income out of the Revenues A. D. 1860.
of such College, or out of the Proceeds of any such Sale or
Investment; and the said Section of the said last-mentioned
Act shall extend to authorize under the like Authority the
Purchase out of any of the Corporate Funds or Revenues
of any such University or College of Advowsons of Bene-
fices, and also of any Rights of perpetual Presentation or
Nomination to Benefices, whether such Benefices be or be
not annexed to or held by or in trust for any of the said
Universities, or any such College as aforesaid, or the Head
or other Member of any such College, to be added to those
in the Patronage of such University or College; and the
Words "Colleges" and "College" in the said Section of the
said last-mentioned Act shall include the Cathedral or
House of *Christ Church in Oxford*, and the Words "Proper
Securities" in the same Section shall be construed to extend
to authorize and shall include the Purchase of Lands in
Fee Simple, and also an Investment on any of the Parlia-
mentary Stocks or Public Funds of *Great Britain*; and
all such Securities, Lands, and Stocks or Funds shall be
settled, held, applied, or disposed of in such Manner as by
the University or College effecting such Sale, Purchase, or
Investment, and by the like Authority, shall be arranged
and determined in that Behalf; and every Endowment or
Augmentation which shall be made by any University or
College of any Benefice with Cure of Souls under the
Authority of this Section, or by virtue of the Provisions
of the Act of the First and Second Years of His late
Majesty King *William the Fourth* (Chapter Forty-five),
or any other Act or Acts of Parliament, shall be valid
notwithstanding the clear annual Value of such Benefice
shall at the Time of such Endowment or Augmentation
exceed or be thereby made to exceed the Limits prescribed
by the Sixteenth Section of the said Act of the First and
Second Years of King *William the Fourth*, or any other Act
or Acts of Parliament: Provided, that no such Augmenta-
tion or Endowment beyond the clear annual Value of Five
hundred Pounds shall be made under the said Act of the

A. D. 1860. First and Second Years of King *William* the Fourth, except with the Consent of the Ecclesiastical Commissioners for *England* (to be testified by Writing under their Common Seal) in addition to such other Consents as may be otherwise required thereto.¹

Provision
as to Right
of Patron-
age
severed.

VIII. On the Sale or Annexation under the last preceding Clause of any Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, or of any Improper Rectory to which any Right of Patronage shall belong, and which is not intended to be included in such Sale or to accompany such Annexation, such Right of Patronage shall immediately after such Sale or Annexation be separated from and be no longer exercised by the Holder of such Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, or Improper Rectory, but shall by force of this Act be absolutely transferred to and vested in the University or College, the former Patrons or Owners of such Ecclesiastical Rectory, Prebend, or other Preferment, or Improper Rectory.

8 & 9 Vict.
c. 18 in-
corporated.

IX. The Lands Clauses Consolidation Act, 1845, (except such Parts thereof as relate to the Purchase of Lands otherwise than by Agreement, and to the Recovery of Forfeitures, Penalties, and Costs, and to the Sale of superfluous Lands,) shall be incorporated with and form Part of the said Section Sixty-nine of the said Act of the Third and Fourth Years of Her Majesty (Chapter One hundred and thirteen) as extended by this Act, and as if the corporate Name or Denomination of the University or College in each particular Case had been inserted therein instead of "The Promoters of the Undertaking:" Provided that the Powers by the said Act vested in "The Promoters of the Undertaking" shall be exercised only by such University or College with the Consent of the Ecclesiastical Commissioners for *England* testified as aforesaid.

The Eccle-
siastical

X. "The Authority" herein-before and in the said Act of the Third and Fourth Years of Her Majesty provided shall,

¹ See as to charging the endowments of a severed benefice with an annuity payable to the head of a college 43 & 44 Vict. c. 46. s. 5 (*infra*).

so far as relates to Universities and Colleges, be and be deemed to be "The Ecclesiastical Commissioners for *England*," and such Authority shall be deemed to be sufficiently exercised and evidenced by any writing under their Common Seal.

A. D. 1860.
Commissioners constituted "the Authority" referred to.

XI. Where any Rent or annual Sum of Money granted, reserved, or made payable, or to be granted, reserved, or made payable, under any of the Powers of the said Act of the Seventeenth and Eighteenth Years of Her Majesty (Chapter Eighty-four), or of the several Acts therein mentioned or otherwise, to the Incumbent of any Church or Chapel, by way of Endowment, or in augmentation of the Endowment of any such Church or Chapel, is or shall be charged upon or made payable out of any Rectory Impro-priate Tithes, annual Revenues, Lands, Tenements, or other Hereditaments belonging to any of the said Universities or Colleges respectively, it shall be lawful for the said Universities and Colleges respectively, with the Consent of the Incumbent for the Time being of the said Church or Chapel, and also with the Consent of the Archbishop or Bishop of the Diocese within which the said Church or Chapel shall be situate, and also of the Patron or Patrons of the said Church or Chapel, (such Consent to be signified by the said consenting Parties respectively executing the Deed or Deeds herein-after mentioned,) and notwithstanding any Statute or Law to the contrary, by Deed duly executed to appropriate and annex in perpetuity to such Church or Chapel any Lands, Tithes or Portion of Tithes, or other Hereditaments belonging to any such University or College as aforesaid, to the Intent that the same may be held and enjoyed by the Incumbent for the Time being of such Church or Chapel in lieu of and substitution for such Rent or annual Sum of Money as aforesaid; and it shall be lawful for the said Incumbent for the Time being to accept to him and his Successors such substituted Endowment or Augmentation, and thereupon by the same or any other Deed duly executed by him, and with such Consents and so signified as aforesaid, to release any Impro-priate

Power to substitute Land or other permanent Endowment in lieu of annual Rents or other Payments, in Extension of certain Provisions of 17 & 18 Vict. c. 84.

A. D. 1860. Rectory Tithes, annual Revenues, Lands, Tenements, or other Hereditaments theretofore charged with the said Rent or annual Sum of Money, and the Premises so released shall be thenceforth wholly discharged from the said Rent or Sum of Money, and from all Powers and Remedies for the Recovery thereof: Provided always, that no Consent of any Archbishop or Bishop shall be given to any such Annexation and Release respectively as aforesaid unless such substituted Endowment or Augmentation shall be proved to the Satisfaction of the said Archbishop or Bishop to produce an Income which shall exceed or be fully equal to the Rent or annual Sum of Money for which the same shall be substituted and be expressed to be so proved in the Deed by which such Consent shall be signified; provided also, that when any Lands, Tithes or Portions of Tithes, or other Hereditaments, which shall be so annexed as aforesaid, shall be comprised in any subsisting Lease or Leases previously granted thereof, such Annexation shall not prejudice or affect any such subsisting Lease or Leases; but in every such Case any Rent or Rents reserved by any such Lease or Leases, or a proportionate Part thereof (in case other Hereditaments shall also be comprised in such Lease or Leases), shall during the Continuance of the said Lease or Leases be payable to the Incumbent for the Time being of the Church or Chapel to which the Premises shall be annexed as aforesaid, and such Incumbent for the Time being shall have all the same Powers for the Recovery of the said Rent or Rents, or of the proportionate Part thereof, as aforesaid, as the University or College by whom the Annexation shall have been made might have had in case the Premises had not been so annexed.

Interpre-
tation of
Terms.

XII. This Act shall be read and construed according to the Definitions and Interpretations contained in the Thirty-first and Thirty-second Sections of "The Universities and College Estates Act, 1858," and the Word "College" in the said Act of the Third and Fourth Years of Her Majesty and in this Act shall be interpreted to include any "Hall" in the said Universities or either of them.

XIII. It shall be sufficient for all Purposes to cite this A. D. 1860.
Act as "The Universities and College Estates Act Extension, 1860." Short Title.

23^o & 24^o VICT. CAP. XCI.

An Act for removing Doubts respecting the *Craven* Scholarships in the University of *Oxford*, and for enabling the University to retain the Custody of certain Testamentary Documents.¹

[13th August 1860.]

WHEREAS it is expedient to remove certain Doubts respecting the *Craven* Scholarships in the University of *Oxford*, and to enable the University to retain the Custody of certain Testamentary Documents: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Whereas Doubts have arisen whether the Scholarships founded by the Will of *John Lord Craven*, and commonly called the *Craven* Scholarships, are included within the Words "University or College Emolument" in the Act of the Seventeenth and Eighteenth Years of the Reign of Her Majesty: Be it enacted, that the said *Craven* Scholarships shall be deemed to be University Emoluments within the Meaning of the said Act, and that all Statutes or Regulations which heretofore and since the passing of the said Act have been made by the University and approved by Her Majesty in Council, conformably to the Conditions and Provisions of the said Act, in relation to the said *Craven* Scholarships, shall have the same Force and Effect as if the said Scholarships had been expressly named and included in the said Act as University Emoluments, and in Elections to the said Scholarships no Person shall be entitled to

Removing
Doubts as
to Scholar-
ships
founded by
Will of
Lord
Craven.

¹ For short title of this Act 'The Oxford University Act, 1860', see 40 & 41 Vict. c. 48. s. 1 and Schedule (*infra*).

A. D. 1860. Preference by reason of his being of the Name or Kindred of the Founder: Provided that nothing herein or in the said Act or in such Statutes or Regulations contained shall preclude the High Court of Chancery, from augmenting from Time to Time the Number of Scholars, whenever the increased Income of the Foundation shall permit.

20 & 21
Vict. c. 77.

II. And whereas by an Act Twenty and Twenty-first *Victoria*, Chapter Seventy-seven, it was enacted that "the acting Judge and Registrar of every Court, and other Person now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court, or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry of each District, or in the principal Registry, as the Case may require, so as to be easy of Reference, under the Control and Direction of the Court: " And whereas in the Case of the Court of the Chancellor of the University of *Oxford* it has been found inconvenient to separate the Testamentary Records, Instruments, and Papers of or belonging to the said Court from the other Records, Instruments, and Papers thereof: Be it further enacted, That the Vice Chancellor of the said University shall, as soon as conveniently may be, cause to be made an Index to such of the Records and other Instruments and Papers whatsoever of or belonging to the said Court as relate exclusively or principally to Matters or Causes Testamentary, which shall be as accurate as the Nature of the said Records and other Instruments and Papers will permit, and shall transmit a Copy of such Index

University
to retain
the Custody
of certain
Testamen-
tary Docu-
ments and
transmit
an Index
thereof to
Court of
Probate.

to the Principal Registrar of Her Majesty's Court of A. D. 1860. Probate, and such Transmission thereof shall be a sufficient Compliance with the above-recited Enactment of the said Act, so far as regards the Court of the Chancellor of the said University, and it shall thereafter be lawful for the said University, notwithstanding the said Act, to retain the Custody of all the Records, Documents, and Papers to which such Index shall relate: Provided that all the said Records, Instruments, and Papers shall at all convenient Times be liable to be inspected and to have Extracts or Copies taken therefrom by the Authority of the Principal Registrar of Her Majesty's Court of Probate, or of the District Registrar of the same Court at *Oxford*, on Payment of the same Fees as would have been payable if such Records, Instruments, and Papers had been deposited in the principal Registry, or in the Registry of the *Oxford* District, as the Case might have required; such Fees to be paid to the same Person or Persons as would in that Event have been entitled to receive the same; and that no Officer of the said University, or of the said Court of the Chancellor thereof, shall be entitled to receive any Fee from any Person inspecting the said Records, or taking Extracts or Copies therefrom by the Authority aforesaid.

23° & 24° VICT. CAP. CXXVII.

An Act to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers. [28th August 1860.]

[The Preamble recites 6 & 7 Vict. c. 73 (*supra*), 7 & 8 Vict. c. 86, and 14 & 15 Vict. c. 88.]

II. Section Seven of the first herein-before mentioned Persons Act shall be repealed, and any Person having taken the having taken Degree of Bachelor of Arts or Bachelor of Laws in the Degrees at the University of *Oxford*, *Cambridge*, *Dublin*, *Durham*, or certain *London*, or in the Queen's University in *Ireland* or the Universities may

Cap. 127] *Attorneys, Solicitors, Proctors, and* [23 & 24 VICT.
Certificated Conveyancers.

A. D. 1860.
 be admit-
 ted after
 Three
 Years
 Service.

Degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws, in any of the Universities of Scotland, none of such Degrees being honorary Degrees, and who at any Time after having taken such Degree, and either before or after the passing of this Act, has been bound by and has duly served under Articles of Clerkship to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner directed by the first herein-before mentioned Act and by this Act, may be admitted and enrolled as an Attorney¹ or Solicitor, and Service for any Part of the said Term not exceeding One Year with the London Agent of such Attorney or Solicitor in the Business, Practice, or Employment of an Attorney or Solicitor, either by virtue of any Stipulation in such Articles, or with the Permission of such Attorney or Solicitor, shall be and be deemed to have been good Service under such Articles for such Part of the said Term; and where any Person has before the passing of this Act, and at any Time after having taken such Degree, been bound as aforesaid for Five Years, he may, after having duly served Three Years of such Term in such Manner as would have been required if he had been bound for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Articles of Clerkship) of the Attorney or Solicitor to whom he may be bound, to the immediate Determination of his Articles of Clerkship, be admitted and enrolled as an Attorney or Solicitor; and where such Consent is given as aforesaid, and acted upon under this Provision by the Person hereby made eligible

¹ By the Judicature Act, 1873 (36 & 37 Vict. c. 66) s. 87 it was enacted that from and after the commencement of that Act (1st of November, 1875, see 37 & 38 Vict. c. 83. s. 2) all persons admitted as solicitors, attorneys, or proctors of or by law empowered to practise in any court the jurisdiction of which was thereby transferred to the High Court of Justice or the Court of Appeal should be called Solicitors of the Supreme Court, and all persons who would have been entitled to be admitted as solicitors, attorneys, or proctors of or by law been empowered to practise in any such Courts should be entitled to be admitted and to be called Solicitors of the Supreme Court.

to be admitted and enrolled as aforesaid, the Articles of Clerkship shall be deemed to have determined as if they had determined by Effluxion of Time. A. D. 1860.

V. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may, if they think fit, from Time to Time, by Regulations to be made by them, direct that any Person having successfully passed any Examination now or hereafter to be established in any of the Universities hereinbefore mentioned, and to be specified in such Regulations, may be admitted and enrolled as an Attorney or Solicitor, after having been subsequently bound by, and having duly served under, Articles of Clerkship to a practising Attorney or Solicitor for the Term of Four Years, and been examined and sworn as aforesaid; and the said Judges may from Time to Time revoke or alter such Regulations as they think fit, but not so as to allow a less Term of Service than Four Years.¹

Judges
may make
Regulations
for
Persons
who have
passed
certain
Examinations
before
Articles
to be
admitted
after Four
Years
Service.

¹ By a Regulation made on the 26th of July, 1861, the Judges specified in this section ordered that 'every person who, before entering into Articles of Clerkship, shall produce to the Registrar of Attorneys a certificate that he has successfully passed the First Public Examination before Moderators at Oxford or the Previous Examination at Cambridge . . . shall be entitled to the benefit of the 5th section' of this Act.

By a second Regulation of the same date the same Judges, in virtue of the 8th section of this Act, prescribed a Special Examination in certain branches of general knowledge to be passed by every person proposing to enter into Articles of Clerkship, not having been called to the Bar, or not having taken a Degree, or not being entitled to the benefit of s. 5. But by a subsequent Regulation, made on the 6th of June, 1862, they ordered that such Special Examination shall not be requisite for any person 'who shall, previously to being articulated, produce to the Registrar of Attorneys a certificate that he has successfully passed one of the Local Examinations established by the University of Oxford or one of the Non-Gremial Examinations established by the University of Cambridge'. By the Judicature Act, 1881 (44 & 45 Vict. c. 68) s. 24 the power of making regulations under this section is now vested in the Master of the Rolls, with the concurrence of the Lord Chancellor and Chief Justice, or (in case of difference) of one of them.

24^o VICT. CAP. IX.

A. D. 1861. An Act to amend the Law relating to the Conveyance of Land for Charitable Uses.¹

[17th May 1861.]

[This Act modified in some respects the requirements of 9 Geo. 2. c. 36 (*supra*).]

Act not to extend to Scotland or Ireland, nor to prejudice the Two Universities, or the Colleges of Eton, Winchester, or Westminster.

6. Nothing in this Act contained shall extend or be construed to extend to the Disposition, Grant, or Settlement of any Property or Estate lying or being in *Scotland* or in *Ireland*, nor to make void any Dispositions made or to be made to or in trust for either of the Two Universities, or any of the Colleges or Houses of Learning within either of such Universities, in the first-recited Act² mentioned, or to or in trust for the Colleges of *Eton*, *Winchester*, or *Westminster*, or any or either of them, for the better Support and Maintenance of Scholars only upon the Foundation of the said Colleges of *Eton*, *Winchester*, and *Westminster*.

24^o & 25^o VICT. CAP. LIII.

An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers.³

[1st August 1861.]

WHEREAS it is expedient to afford greater Facilities for voting to the Electors at Elections for Burgesses to serve in Parliament for the Universities of *Oxford*, *Cambridge*, and *Dublin*: Be it enacted by the Queen's most

¹ This Act was repealed by 51 & 52 Vict. c. 42. s. 13. Sched. (*infra*).

² 9 Geo. 2, c. 36 (*supra*).

³ By 30 & 31 Vict. c. 102. s. 45 (*infra*) the provisions of this Act are extended to London University; and 31 & 32 Vict. c. 65 (*infra*) makes amendments with regard to the form of voting papers, and authorizes their signature in the Channel Islands.

Excellent Majesty, by and with the Advice and Consent A. D. 1861.
of the Lords Spiritual and Temporal, and Commons, in
this present Parliament assembled, and by the Authority of
the same, as follows :

1. It shall be lawful for such Electors, in lieu of attending
to vote in Person, to nominate any other Elector or Electors
of the same University, competent to make the Declaration
herein-after mentioned, to deliver for them at the Poll
Voting Papers containing their Votes, as by this Act
provided. Every such Voting Paper shall bear Date sub-
sequently to Notice given by the Returning Officer of the
Day for proceeding to Election, and shall contain the
Name or Names of the Candidate or Candidates thereby
voted for, and the Name or Names of the Elector or
Electors authorized on behalf of the Voter to tender such
Voting Paper at the Poll, and shall be according to the
Form or to the Effect prescribed in the Schedule to this
Act annexed. Such Voting Paper, the aforesaid Date and
Names being previously filled in, shall, on any day subse-
quent to Notice given by the Returning Officer of the Day
for proceeding to Election, be signed by the Voter in the
Presence of a Justice of the Peace for the County or
Borough in which such Voter shall be then residing ; and
the said Justice shall certify and attest the Fact of such
Voting Paper having been so signed in his Presence, by
signing at the Foot thereof a Certificate or Attestation in
the Form or to the Effect prescribed in the said Schedule,
with his Name and Address in full, and shall state his
Quality as a Justice of the Peace for such County or
Borough.

Electors to
vote by
means of
Voting
Papers.

2. The Voting Paper, signed and certified as aforesaid,
may be delivered to the Vice Chancellor of the University
for which the Election is held, or to any Pro Vice Chan-
cellor appointed by him, or, in the Case of the University of
Dublin, to the Provost of *Trinity College*, or to any Person
lawfully deputed to act for him, at any One of the appointed
Polling Places, during the appointed Hours of Polling, by
any One of the Persons therein nominated in that Behalf,

Voting
Papers to
be read,
and Votes
recorded.

A. D. 1861. who shall, on tendering such Voting Paper at the Poll, read out the same; and the said Vice Chancellor, Pro Vice Chancellor, Provost, or Deputy shall receive the Voting Papers as the same shall be delivered, and shall cause the Votes thereby given, or such of them as may not appear to be contrary to the Provisions of this Act, to be recorded in the Manner heretofore used, in all respects as if such Votes had been given by the Electors attending in Person; and all Votes so recorded shall have the same Validity and Effect as if they had been duly given by the Voters in Person: Provided always, that no Person shall be entitled to sign or vote by more than One Voting Paper at any Election, and that no Voting Paper containing the Names of more Candidates than there are Burgesses to be elected at such Election shall be received or recorded: Provided also, that no Voting Paper shall be received or recorded unless the Person tendering the same shall make the following Declaration, which he shall sign at the Foot or Back thereof:

‘I solemnly declare, that I am personally acquainted
‘with *A. B.* [the Voter], and I verily believe that this
‘is the Paper by which he intends to vote pursuant to the
‘Provisions of the Universities Elections Act.’

Provided also, that no Voting Paper shall be so received and recorded if the Voter signing the same shall have already voted in Person at the same Election: Provided also, that every such Elector shall be entitled to vote in Person, notwithstanding that he has duly signed and transmitted a Voting Paper to another Elector, if such Voting Paper has not been already tendered at the Poll.

3. It shall be lawful for any Person now by Law or Custom authorized on behalf of any Candidate to object to Votes to inspect any Voting Paper tendered at the Poll before the same shall be received or recorded, and to object to it on One or more of the following Grounds:

1. That the Person on whose Behalf the Voting Paper is tendered is not qualified to vote:

Voting
Papers
may be
inspected
by any
Person now
entitled to
object to
Votes.

2. That the Person tendering the Voting Paper is not A. D. 1861.
duly qualified in that Behalf :
3. That the Person in whose Behalf the Voting Paper is tendered has already voted at that Election in Person or by Voting Paper :
4. That the Voting Paper bears Date anterior to Notice given by the Returning Officer of the Day for proceeding to Election :
5. That the Voting Paper is forged or falsified :

And the Returning Officer, his Deputy or Assessor, or any Officer having by Law or Custom Power to decide Objections in respect of Votes tendered by Voters attending the Poll in Person, shall have Power to put Questions to the Person tendering such Voting Paper, and to reject, receive, and record, or receive and record as objected to or protested against, any Votes tendered by Voting Papers : Provided, that in case the Objection offered to any Voting Paper shall be that it is forged or falsified, such Returning or other Officer shall receive and record such Voting Paper, having previously written upon it, "Objected to as forged," or "Objected to as falsified," together with the Name of the Person making such Objection.

4. All Voting Papers received and recorded at such Election, as well as any Voting Papers rejected for Informality or on any other Ground, shall be filed and kept by the Officer entrusted with the Care of the Poll Books or other Documents relating to the said Election ; and any Person shall be allowed to examine such Voting Papers at all reasonable Times, and to take Copies thereof, upon Payment of a Fee of One Shilling.

Voting
Papers to
be filed.

5. Any Person falsely or fraudulently signing any Voting Paper in the Name of any other Person, either as a Voter or as a Witness, whether such other Person shall be living or dead, and every Person signing, subscribing, endorsing, attesting, certifying, tendering, or transmitting as genuine any false or falsified Voting Paper, knowing the same to be false or falsified, and any Person falsely making any such Declaration as aforesaid, or such Declaration as is

Penalty for
falsely
signing
Voting
Papers.

A. D. 1861. contained in the Schedule, or with fraudulent Intent altering, defacing, destroying, withholding, or abstracting any Voting Paper, and any Person wilfully making a false Answer to any Question put to him by the Returning or other Officer as herein-before provided, shall be guilty of a Misdemeanor, and punishable by Fine, or Imprisonment for a Term not exceeding One Year.

Voting
Papers not
liable to
Stamp
Duty.

6. No such Voting Paper as herein-before mentioned shall be liable to any Stamp Duty.

SCHEDULE.

UNIVERSITY ELECTION, 18 .

I *A. B.* [*the Christian and Surnames of the Elector in full, his College or Hall, if any, and his Degree or Academical Rank or Office, if any, to be here inserted*], do hereby declare, that I have signed no other Voting Paper at this Election, and do hereby give my Vote at this Election for

And I nominate

C. D.

E. F.

G. H.

or One of them, to deliver this Voting Paper at the Poll.

Witness my Hand this

Day of

18 .

(Signed)

A. B. of [*the Elector's Place of Residence to be here inserted*].

Signed in my Presence by the said *A. B.*, who is personally known to me, on the above-mentioned Day of 18 , the Name [*or Names*] of as the Candidate [*or Candidates*] voted for having been previously filled in.

(Signed)

Z. M. of [*the Witness's Place of Residence to be here inserted,*]

, a Justice of the Peace for

24° & 25° VICT. CAP. LXVIII.

An Act to amend the Laws relating to Attorneys and Solicitors in Ireland. [1st August 1861.]

2. Any Person having taken the Degree of Bachelor of Arts or Bachelor of Laws in the University of *Oxford*, *Cambridge*, *Dublin*, *Durham*, or *London*, or in the Queen's University in *Ireland*, or the Degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws in any of the Universities of *Scotland*, none of such Degrees being honorary Degrees, and who at any Time after having taken such Degree, and either before or after the passing of this Act, has been bound by and has duly served under Indentures of Apprenticeship to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner directed by the Rules now in force or hereafter to be made by the Benchers of the Society of the *King's Inns* in *Dublin*, and in accordance with the Practice of the Court of Chancery or Superior Courts of Law in *Ireland*, may be admitted and enrolled as an Attorney or Solicitor, and where any Person has before the passing of this Act, and at any Time after taking such Degree, been bound as aforesaid for any Period exceeding Three Years, he may, after having duly served Three Years of such Term, in such Manner as would have been required if he had been bound for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Indentures of Apprenticeship) of the Attorney or Solicitor to whom he may be bound to the immediate Determination of his Indentures of Apprenticeship, be admitted and enrolled as an Attorney or Solicitor, and where such Consent is given as aforesaid, and acted upon, under this Provision, by the Person hereby made eligible to be admitted and enrolled as aforesaid, the Indentures of Apprenticeship shall be deemed to have determined as if they had determined by Effluxion of Time.¹

A. D. 1861.
Persons having taken Degrees at certain Universities may be admitted after Three Years Service.

¹ This section was superseded by 29 & 30 Vict. c. 84. s. 7 (*infra*), and the whole Act was formally repealed by the Statute Law Revision Act, 1875.

25^o VICTORIÆ. CAP. XV.

A. D. 1862. An Act to define the Powers of the President and Fellows of the King and Queen's College of Physicians in *Ireland* with respect to the Election of its Fellows. [16th May 1862.]

4^o G. 3.
c. 84. (I.)

WHEREAS by an Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His late Majesty King *George* the Third, Chapter Eighty-four, it is amongst other things enacted, in the Forty-second Section thereof, that no Person shall be capable of being elected a Fellow of the College of Physicians (incorporated by the Name of the President and Fellows of the King and Queen's College of Physicians in *Ireland*) who shall not have taken the Degree of Bachelor or Master in Arts or Doctor in Physic in One of the Universities in *Dublin*, *Oxford*, or *Cambridge*, unless the Number of Fellows shall at any Time be reduced to Six, in which Case only, whenever it may happen, such Qualification of the Degree of Bachelor or Master in Arts or Doctor of Physic may be dispensed with respectively: And whereas under the Charter which had been granted to the said College of Physicians in the Fourth Year of the Reign of King *William* and Queen *Mary*, the said College was empowered to elect to the Fellowship thereof without Restriction such of its Licentiates as it deemed deserving of such Distinction: And whereas the said Restriction imposed by the said recited Act is unjust to Universities and Colleges other than those of *Dublin*, *Oxford*, or *Cambridge*, and it is expedient that the same should be repealed, and that the said President and Fellows of the said College should be enabled to elect to the Fellowship thereof such of its Licentiates as are Graduates in Arts of any University of the United Kingdom of *Great Britain* and *Ireland*, and also such of its Licentiates as may appear to them to merit

such Distinction by reason of their personal and professional Attainments: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. This Act shall commence and take effect from and after the First Day of *September* One thousand eight hundred and sixty-two. A. D. 1862.
Commencement of Act.

2. From and after the Commencement of this Act, so much of the said recited Act as provides that no Person shall be capable of being elected a Fellow of the said College of Physicians in *Ireland* who shall not have taken the Degree of Bachelor or Master in Arts or Doctor in Physic in One of the Universities of *Dublin, Oxford, or Cambridge*, unless the Number of Fellows shall at any Time be reduced to Six, in which Case only, whenever it may happen, such Qualification of the Degree of Bachelor or Master in Arts or Doctor in Physic may be dispensed with respectively, shall be repealed. From Commencement of Act, Part of 40 G. 3. c. 84. s. 42 (I.) repealed.

3. From and after the Commencement of this Act it shall be lawful for the President and Fellows of the King and Queen's College of Physicians in *Ireland* to elect to the Fellowship of the said College such of its Licentiates as are Graduates in Arts or Doctors in Physic of any University of the United Kingdom of *Great Britain and Ireland*, or of any Foreign University, and also such of its Licentiates, not being such Graduates in Arts or Doctors in Physic, as, under such Limitations as to them may seem fit, may appear to the said President and Fellows to merit such Distinction. Defining Powers of College with respect to Admissions to its Fellowships.

25° & 26° VICT. CAP. XXVI.

An Act to extend the Power of making Statutes possessed by the University of *Oxford*, and to make further Provision for the Administration

A. D. 1862.

of Justice in the Court of the Chancellor of the said University.¹ [30th June 1862].

WHEREAS it is expedient to extend the Powers of making Statutes possessed by the University of Oxford, and to make further Provision for the Administration of Justice in the Court of the Chancellor of the said University: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Power to University to make Regulation as to Professorships named in Schedule.

1. The University of *Oxford* may make Statutes for the Regulation of the Professorships specified in the Schedule annexed hereto in respect of the following Matters; that is to say,

1. The Functions and Duties of each of the Professors holding the said Professorships :
2. The Fees, if any, to be charged for Admittance to the Lectures of each Professor :
3. The Determination of the Periods during which each Professor is to reside in the University ; the Authority in whom a Power of granting Leave of Absence is to be vested, and the Mode of enforcing the required Residence :
4. The Appointment of a temporary Substitute for each Professor, in case of his Illness or temporary Absence with Leave, and of a permanent Substitute in case of his being permanently incapacitated by old Age or Infirmary :
5. The Remuneration of any such temporary or permanent Substitute out of the Income of the Professor in whose Place he is substituted :
6. The Constitution of a Court or other Authority empowered to admonish and, if necessary, remove a Professor guilty of notable Negligence or Inefficiency :

¹ The powers of making statutes under this Act were extended to the Vinerian Foundation by 28 & 29 Vict. c. 55 (*infra*).

ency in conducting the Duties of his Office, or of A. D. 1862.
Immorality.

2. The University may by Statute determine in respect of each of the Professorships specified in the said Schedule (other than the Professorship of Political Economy and the *Sherard* Professorship of Botany) how and by whom upon the Occasion of the next or any subsequent Avoidance of such Professorship the Professor is to be elected, and in the Case of the *Sherard* Professorship of Botany therein named the Professor shall be appointed by the President and Council for the Time being of the Royal College of Physicians of *London*; and the said University may, with Consent of the said President and Council of the College of Physicians, vary and define the Qualifications of Candidates for Election to the said *Sherard* Professorship.

Power of
University
as to
Professor-
ships in
Schedule.

3. If at any Time hereafter a new Professorship of Political Economy, Chemistry, Geology, or Mineralogy is established in the University of *Oxford* it shall be lawful for the University by Statute to suppress the existing Professorship of that Science for which Provision is made by a new Professorship, and after the Suppression of any Professorship authorized to be suppressed by this Section the annual Sum now payable by the University as a Salary to the Professor holding the suppressed Professorship shall be applied in promoting and assisting, by the Purchase of Materials or Apparatus, by the Support of Assistant Teachers, or by such other Means as the University may by Statute determine, the Study and Cultivation in the University of the Science which forms the Subject Matter of the suppressed Professorship: Provided that if the Professorship of Mineralogy is suppressed the annual Sum thereby rendered disposable may, if it be thought fit, be applied in manner aforesaid to the Promotion of the Study of Geology or any Branch thereof, and if the Professorship of Geology be suppressed the annual Sum may, if it be thought fit, be applied to the Promotion of the Study of Mineralogy or any Branch thereof.

Suppres-
sion of
certain Pro-
fessorships.

4. The Power hereby given to the University of sup- Extension

A. D. 1862. pressing any of the said Professorships of Political Economy, Chemistry, Geology, or Mineralogy may be exercised although the new Professorship substituted for any suppressed Professorship is a Professorship attached to a College, and established under a Statute of such College now in force, if the Functions and Duties of such new Professorship are subject to Regulation by the University, and are not confined to the Instruction of Members of the College.

Conditions may be annexed to certain Professorships.

5. The Election or Appointment of any Person who may be hereafter elected or appointed to any of the said Professorships of Political Economy, Chemistry, Geology, and Mineralogy may, if it be thought fit, be declared by Statute of the University to be subject to the Operation of any Statute for the Suppression of the Professorship that may afterwards be made or come into operation.

Variation of the Trusts of certain Scholarships.

6. The University may vary by Statute the Directions, Trusts, or Regulations relating to the *Kennicott* Scholarships, and to the *Johnson* Scholarships, and to the *Denyer* Theological Prizes, with a view of promoting the Study of Theology, Hebrew, and Mathematics respectively, and may for that Purpose, if it be deemed advisable, convert the *Denyer* Theological Prizes into a Theological Scholarship or Scholarships.

Approbation of Statutes by Her Majesty in Council.

7. Every Statute passed by the University by virtue of this Act shall with all convenient Speed after the passing thereof be laid before Her Majesty in Council, and forthwith published in the *London Gazette*, and any Person or Body Corporate affected thereby may within a Month after the Publication thereof petition Her Majesty in Council against the same or any Part thereof, and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, and such Five Members may, if they think fit, admit any Petitioner to be heard by Counsel in support of his Petition; and if, no such Petition having been pre-

sented, or if after any Petition so presented has been referred and considered, such Five Members of the Privy Council, or the major Part thereof, shall report to Her Majesty their Opinion that such Statute should be approved with or without Modifications, the said Statute or modified Statute shall be forthwith laid before both Houses of Parliament, if Parliament be then sitting, or if not, then within Three Weeks after the Commencement of the then next ensuing Session of Parliament, and unless an Address be within Forty Days presented by one or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statute or modified Statute, or any part thereof, it shall be lawful for Her Majesty, if She think fit, to declare by Order in Council Her Approbation of the Statute or modified Statute, and the same shall thereupon become a Statute of the University of *Oxford*, notwithstanding any Act of Parliament, Decree or Order, Deed or Instrument of Foundation or Endowment; and if the Statute or any Part thereof is not so approved by Her Majesty, the University may frame and pass another Statute in the Matter, and so on from Time to Time as often as Occasion requires.

8. Every Statute made by the University by virtue of this Act shall be subject to Alteration or Repeal by the University, with the Approval of Her Majesty in Council.

Power of
altering
Statutes
made
under this
Act.

9. Every Statute of the University made in pursuance of the said Act of the Seventeenth and Eighteenth Years of Her present Majesty Queen *Victoria*, Chapter Eighty-one,¹ and intituled *An Act to make further Provision for the good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of Saint Mary, Winchester*, which has been approved by Her Majesty in Council, shall from and after the passing of this Act be subject to Alteration and Repeal by the University, with the Approval of Her Majesty in Council.

Repeal of
University
Statutes.

10. This Act shall not be construed to take away or affect any Power of making Statutes or Regulations now possessed by the University or by any College therein, nor

Saving of
Rights.

¹ *Supra.*

A. D. 1862. shall it prejudice or affect any Interest vested in any Member of the University previously to the passing of this Act.

Interpretation of Terms.

11. In the construction of this Act the Words "Professor" and "Professorship" respectively shall include Public Readers and Praelectors, and their several Offices.

Power to Vice Chancellor to make Rules for Regulation of his Court.

12. Section Forty-five of the said Act of the Session of the Seventeenth and Eighteenth Years of Her present Majesty shall be repealed, and in lieu thereof be it enacted, That the Vice Chancellor of the said University may from Time to Time, with the Approval of any Three of the Judges of Her Majesty's Superior Courts, make Rules for regulating the Practice and Forms of Procedure in all Proceedings within the Jurisdiction of the Court of the Chancellor of the said University commonly called the Vice Chancellor's Court, and may from Time to Time, with the like Approval, annul, alter, or add to any such Rules.

Short Title. 13. This Act may be cited for all Purposes as "*The Oxford University Act, 1862.*"

SCHEDULE.

The Professorship of Political Economy.
 The Readership in Experimental Philosophy.
 The Sherard Professorship of Botany.
 The Aldrich Professorship of Chemistry.
 The Readership in Geology.
 The Readership in Mineralogy.

26^o VICT. *Cap. i.*

A. D. 1863. An Act for stopping up certain Streets and widening other Streets in the Borough of *Cambridge*.

[4th *May* 1863.]

[The Preamble of this Act, 'The Cambridge Street Act, 1863,' recites that the Corporation of the Borough of Cambridge are or claim to be seised in fee of the land

forming St. John's Lane, leading from St. John's Street to the river Cam, that St. John's College are or claim to be seised in fee of certain land now built upon situate in St. John's Street and Bridge Street, that both the Corporation and the College claim to be seised in fee of the land forming Globe Passage, running from Bridge Street to St. John's Lane, and that an exchange of the Land forming St. John's Lane and of a portion of the land forming Globe Passage (if such last-mentioned land is vested in the Corporation) for a certain portion of the said land of the College in St. John's Street and Bridge Street, and the stopping up of St. John's Lane and the said portion of Globe Passage are desirable for the extension of the buildings and otherwise for the benefit of the College, and such exchange and the widening and improving to be thereby effected of the adjacent streets would be for the benefit and convenience of the Inhabitants of the Borough.

Section 1 vests in the College the land forming St. John's Lane (except a small portion containing seventy-five square feet or thereabouts adjoining St. John's Street and intended to be thrown into that street), and that portion of Globe Passage which is bounded on both sides by property of the College.

Section 2 vests in the Corporation the land described in the schedule, being the land of the College above mentioned in St. John's Street and Bridge Street.

Section 3 extinguishes all rights of way and passage in the land vested by the Act in the College.

Section 4 directs that the land vested by the Act in the Corporation shall be added to and form part of St. John's Street and Bridge Street.

Section 5 enables the College to take down and remove the buildings on the last-mentioned land and convert or sell the Materials.]

27° & 28° VICT. • CAP. LXVIII.

A. D. 1864. An Act to amend the Local Government Act of 1858 so far as it applies to *Oxford*.

[25th July 1864.]

21 & 22
Vict. c. 98.¹

WHEREAS by the Local Government Act, 1858, Section Eighty-two, it is provided that the *Oxford* Commissioners described in the Thirty-first Section of the Public Health Act, 1848, shall be the Body authorized to adopt the said Local Government Act for the District within their Jurisdiction: And whereas the said Commissioners have adopted the said Act: And whereas it is provided by the said Act that the Local Board of the Oxford District shall consist of the several Persons therein mentioned, and shall be elected in manner therein mentioned: And whereas the Election of the said Commissioners cannot take place, in pursuance of the said first-mentioned Act, until on and after the Twenty-fifth Day of *March* One Thousand eight hundred and sixty-five: And whereas it is expedient that Provision should be made for Elections taking place in the course of the present Year: Be it enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Election of Commissioners may take place on any Day between 1st and 15th November 1864, as may be determined by Board of Commissioners.

1. Notwithstanding anything contained in the said Local Government Act, or any other Act of Parliament, the Election of the Commissioners to constitute the Local Board for *Oxford*, under the said Act of 1858, may take place at any Time that may be determined by the existing Board of Commissioners between the First Day of *November* and the Fifteenth Day of *November* One thousand eight hundred and sixty-four, in the Manner now respectively provided for the Election of the said Commissioners to be respectively elected by the said City and University

¹ *Supra*.

of *Oxford*; and the said Commissioners when so elected A. D. 1864.
 shall continue in Office until the first monthly meeting
 after the Fifteenth Day of *November* One thousand eight
 hundred and sixty-five.

2. Every subsequent annual Election of the Commis- Subsequent
Annual
Elections
to take
place on
Day so
fixed.
 sioners constituting the said Local Board shall take place
 between the First and Fifteenth Days of *November* in every
 Year, on the same Day in each Year, as shall be appointed
 under the Power herein-before given: Provided always,
 that if such Day fall upon a *Sunday* then the Election shall
 take place on the *Monday* next following; and the Day of
 going out of Office of every Board, and Entry upon Office
 of the new Board, shall be the Day of the first monthly
 Meeting after the said Fifteenth Day of *November*.¹

3. Notwithstanding anything in the said Local Govern- Qualifica-
tions of
Members
of Local
Board.
 ment Act contained, the Members of the Local Board to
 be elected by the said University, and Heads and Bursars
 of Colleges, and Heads of Halls respectively, shall not be
 required to possess any Qualification to act as Members of
 the said Board other than that they are of the Degree
 of Master of Arts, Bachelor of Civil Law, Bachelor in
 Medicine, or any superior Degree of the said University.²

27° & 28° VICT. CAP. XCII.

An Act for annexing Conditions to the Appoint-
 ment of Persons to Offices in the Governing
 Bodies of certain Public Schools and Colleges.

[29th July 1864.]

WHEREAS a Commission was issued in the Year
 One thousand eight hundred and sixty-one, under
 Letters Patent of Her Majesty, for the Purpose of inquiring
 into the Nature and Application of the Endowments and

¹ The time fixed by this section for holding elections was altered by 28 & 29
 Vict. c. 108, s. 4 (*infra*).

² The provisions of this section were re-enacted, and the section superseded
 by The Public Health Act, 1875 (38 & 39 Vict. c. 55), s. 342 (*infra*).

A. D. 1864. into the Administration and Management of the Colleges and Schools named in the Schedule annexed hereto: And whereas the said Commission reported, amongst other things, to Her Majesty, that Parliamentary Legislation would be required in order to make the Changes which the said Commission considered desirable, in respect, amongst other things, of the Governing Bodies of the said Colleges and Schools: And whereas it is expedient that no Impediment should be created to the free Action of the Legislature in making the said Changes, by the Acquisition of vested Interests in the Property of the said Colleges and Schools by Persons who may be appointed to Offices in the Governing Bodies thereof after the Date of the passing of this Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. 1. This Act may be cited for all Purposes as "The Public Schools Act, 1864."

Persons
appointed
after
passing of
Act to take
Office
subject to
future
Legisla-
tion.

Defini-
tion of
"Govern-
ing Body."

2. Every Person appointed after the passing of this Act to any Office in the Governing Body of any of the said Colleges or Schools shall take and hold that Office subject to such Provisions and Regulations as may hereafter be enacted respecting the same.

3. "Governing Body" shall mean any One of the several Bodies referred to in the Report of the said Commissioners as being a Governing Body of any of the said Colleges or Schools, with the Addition of the Head Master or other Masters thereof; and any Person appointed a Member of the Governing Body of any such College or School as aforesaid, or a Master thereof, shall be deemed to be appointed to an Office in the Governing Body of the said College or School.

Duration
of Act.

4. This Act shall continue in force until the First Day of August One thousand eight hundred and sixty-five.¹

¹ The term for which this Act was to be in force was extended by the Expiring Laws Continuance Acts of the following years 1865 to 1874 inclusive,

SCHEDULE referred to in this Act.

A. D. 1864.

1. Eton College.
2. Winchester College.
3. The Collegiate School of St. Peter, Westminster.
4. The Charterhouse School.
5. St. Paul's School in the City of London.
6. The Merchant Taylors School in the City of London.
7. The Free Grammar School of John Lyon at Harrow-on-the-Hill in the County of Middlesex.
8. The School founded by Lawrence Sheriff at Rugby in the County of Warwick.
9. The Free Grammar School of King Edward the Sixth at Shrewsbury.

28° & 29° VICT. CAP. LV.

An Act to empower the University of *Oxford* to make Statutes as to the *Vinerian* Foundation in that University. A. D. 1865.
[29th June 1865.]

WHEREAS it is expedient to extend the Powers of making Statutes possessed by the University of *Oxford*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. That the said University may, with the view of better promoting the teaching and Study of the Law in the said University, vary by Statute all or any of the Directions, Trusts, and Regulations now in force relating to the Vinerian Professorship and the *Vinerian* Fellowship and Scholarships respectively, and to the Application of the Funds held in trust by the said University under the Will of *Charles Viner* Esquire, deceased : Provided, that Part of the Income of such Funds shall always be applied to the teaching of Law, and the Residue towards encouraging the

by the last of which (37 & 38 Vict. c. 76) it was continued till the 1st of August, 1874, and the end of the then next session.

A. D. 1865. Study of the Law by means of Fellowships or Scholarships or both, and that the Name of the said *Charles Viner*, or the title *Vinerian*, shall always be retained in connexion with the said Foundation: Provided also, that the Interests of the present Professor, Fellow, and Scholars respectively on the said *Vinerian* Foundation shall not, without their respective Consents, be altered or affected by any such Statute; but every Person who, after the passing of this Act, may be elected a *Vinerian* Professor, or Fellow, or Scholar, shall be subject to any Statute to be afterwards made by the University under the Powers of this Act as fully as if he had been elected under such Statute.

Provisions of 25 & 26 Vict. c. 26. to apply to Statutes under this Act. 2. All the Provisions of the *Oxford University Act, 1862*, as to Statutes of the University passed by virtue thereof, shall extend and apply to Statutes of the University made by virtue of this Act; and the *Oxford University Act, 1862*, and this Act, shall be construed together as One Act.

Short Title. 3. This Act may be cited for all Purposes as the "*Oxford University, Vinerian Foundation, Act, 1865*."

28^o & 29^o VICT. CAP. LXIX.

An Act further to amend and render more effectual the Law for providing fit Houses for the Beneficed Clergy, and for other Purposes.

[29th June 1865.]

[The Act extends the powers of 17 Geo. 3. c. 53 (*supra*), 21 Geo. 3. c. 66, 7 Geo. 4. c. 66, and 1 & 2 Vict. c. 23 (*supra*) to enable an incumbent to borrow a sum equal to three years net income of his benefice on mortgage for the purpose of those Acts or of 55 Geo. 3. 147 (*supra*), or in order to purchase not exceeding twelve acres of land contiguous to or desirable to be used or occupied with the parsonage or glebe, or to build offices stables or outbuildings, or to restore rebuild or repair the

¹ *Supra*.

chancel of the church (if the incumbent is liable to A.D. 1865.
repair it), or to build improve enlarge or purchase farm
buildings or labourers' dwelling houses.]

3. All the Powers, Authorities, Provisions, Forms, and Matters in the herein-before mentioned Acts contained shall except as herein otherwise is provided, extend and be applicable, *mutatis mutandis*, to all the Purposes of this Act and of the said herein-before mentioned Acts, as if the same had been respectively repeated and set forth herein.¹

Powers of
recited
Acts ex-
tended to
this Act.

28° & 29° VICT. CAP. CVIII.

An Act to confirm certain Provisional Orders under
"The Local Government Act, 1858," relating to
the Districts of *Nottingham, Rusholme, Plymouth,
Redcar, Cardiff, Kingston-upon-Hull, Guildford,
Ramsgate, Ryde, Workington*, and *Oxford*, and
for other Purposes relative to certain Districts
under the said Act.² [5th July 1865.]

WHEREAS the Secretary of State for the Home
Department, being One of Her Majesty's Principal
Secretaries of State, has, under the Provisions of the Local
Government Act, 1858,³ duly made certain Provisional
Orders which are contained in the Schedule to this Act
annexed, and it is provided by the aforesaid Local Govern-

¹ See (*supra*) 17 Geo. 3. c. 53, 55 Geo. 3. c. 147, and 1 & 2 Vict. c. 23, for powers conferred on Colleges to lend money in the case of livings in their patronage.

² The Oxford District extended by the two Orders of the 20th of May, 1865, in the Schedule to this Act was further extended by the Public Health Act, 1875 (38 & 39 Vict. c. 55), s. 342 (*infra*).

By the Oxford Order, 1889, confirmed by 52 & 53 Vict. c. xv (*infra*), the Oxford Local Board was abolished (see Art. XXII (4)), and the sections of this Act relating thereto (ss. 4-22), the two Orders of the 20th of May, 1865, and the Order of the 31st of May, 1865, were repealed, except ss. 8, 21, & 22 of this Act and Art. 4, & 15 to 18 of the Order of the 31st of May, 1865, which were altered so as to be applicable to the new constitution of the City (see Art. XXV).

³ 21 & 22 Vict. c. 98 (*supra*).

A. D. 1865. ment Act that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament, and it is expedient that the said Orders should be so confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Provisional Orders in Schedule confirmed. 1. The Provisional Orders contained in the Schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like Force and Effect as if the Provisions of the same had been expressly enacted in this Act. . . .

The Oxford Local Board to be elected between the 9th and 24th of November annually. 4. The yearly Election of the Members of the Local Board for the District of *Oxford* under Section Eighty-two of "The Local Government Act, 1858," shall take place on such Day between the Ninth and Twenty-fourth Days of *November* in every Year, not being *Sunday*, as the Local Board from Time to Time at their ordinary Meeting in the Month of *October* in the respective Year determine; and the Members of the Local Board already and from Time to Time hereafter elected shall continue in Office until the Commencement of the Meeting of the Local Board next after the Day of the then next yearly Election of Members thereof, and thereupon the Members then elected shall come into Office: Provided that if and whenever the Local Board do not so fix any other Day for the yearly Election, then it shall take place on the Tenth Day of *November*, or, if that day be *Sunday*, on the then next Day.

Ratepayers of each Parish in Oxford District to elect One Member in Vestry. 5. The Members of the *Oxford* Local Board to be elected by the Ratepayers of the Parishes within the District shall be elected One for every Parish by the Ratepayers of the respective Parish, and, except as is by this Act otherwise provided, shall be so elected by the Ratepayers in Vestry assembled.

Members of University not 6. It shall not be obligatory on any of the Fifteen Members of the Local Board from Time to Time elected

by the University of *Oxford* to make any Declaration of Qualification for the Office of Member of the Local Board. A. D. 1865.
required to
make De-
claration.

7. The *Oxford* Local Board shall yearly, at their First Meeting in *November*, appoint One of their Number to be Chairman for One Year at all Meetings at which he is present; and in case the Chairman so appointed be absent from any Meeting at the Time appointed for holding the same, the Members present shall appoint One of their Number to act as Chairman thereat; and in case the Chairman appointed for the Year die, resign, or become incapable of acting, another Member shall be appointed to be Chairman for the Period during which the Person so dying, resigning, or becoming incapable would have been entitled to remain in Office, and no longer; and the Chairman at any Meeting shall have a Second or Casting Vote in case of an Equality of Votes. The Local
Board shall
appoint
Chairman.

8. All Public Buildings of the University and City of *Oxford*, and any Lands, Tenements, and Hereditaments within the *Oxford* District not now assessed or assessable to Rates for the Relief of the Poor, except all such as belong to or are held by the County, and except Churches and other public Places of Religious Worship, shall be assessable on a fair Valuation thereof by an equal Pound Rate to the General District Rates to be from Time to Time made and levied by the Local Board.¹ All Public
Buildings
(except
Churches)
shall be
assessable
to the
General
District
Rates.

[Sections 9-12 relate to the Parishes of Cowley, Binsey, and North Hincksey, directing that 'if and when any Part of the Parish of *Cowley* is added to the *Oxford* District' the number of members of the *Oxford* Local Board shall be increased by one, who 'shall from Time to Time be elected by the Owners and Ratepayers within that Part of the Parish of *Cowley*'; that 'the Ratepayers of the Parish of *Binsey* shall form Part of

¹ See as to the exemption of certain University buildings from assessment to poor rate 17 & 18 Vict. c. ccxix. s. 31 and note thereto (*supra*), and for the abolition of that exemption 38 & 39 Vict. c. clxviii. s. 2 (4) (*infra*).

A. D. 1865.

the Vestry of the Parish of St. Thomas' for the election of one Member of the Board; that 'if and when any Part of the Parish of *North Hincksey* is added to the *Oxford* District the Ratepayers of that Part of the Parish of *North Hincksey* shall form Part of the Vestry of the Parish of *Saint Aldate*' for the Election of one Member; and that the overseers of those three Parishes shall exhibit their rate books to persons duly appointed from time to time by the Local Board.]

Provisional
Order
made ap-
plicable
to the
Oxford
District &c.

18. The Provisional Order relating to the *Oxford* District set forth in the Schedule to this Act annexed shall, in accordance with the Provisions of this Section, apply to the *Oxford* District and the Local Board for the *Oxford* District as that District and that Local Board respectively are from Time to Time constituted.

Assess-
ment Com-
mittee to
be ap-
pointed by
the Local
Board.

14. The *Oxford* Local Board, within Fourteen Days after their yearly Election, shall appoint for the current Year a Committee of their own Number to be the Assessment Committee, and shall determine their Number, Quorum, and Procedure, and shall, when requisite, supply Vacancies in their Number:

(a.) All Objections to the General District Rate shall be heard and considered by the Assessment Committee:

(b.) And if and when the Assessment to the Rate for the Relief of the Poor of all or any Part of the Property assessable to the General District Rate to be made and levied by the Local Board is in the Judgment of the Local Board an unfit Criterion for making a General District Rate, or there is no such Assessment, the net annual Value of the Property shall be ascertained by the Assessment Committee.

The Mayor
and Rec-
order of
the City

15. The Mayor and Recorder of the City of *Oxford*, and the Vice-Chancellor of the University of *Oxford*, instead of the Court of Quarter Sessions, shall be the Court of Appeal

for all Purposes of Appeals from Assessments and Rates of the Local Board :

- (a.) Provided that, during the Absence of the Recorder the Deputy Recorder, and during the Absence of the Vice-Chancellor one of the Pro Vice-Chancellors, to be appointed by the Vice-Chancellor by Writing under his Hand delivered to the Clerk to the Local Board, and during the Absence of the Mayor the Deputy Mayor of the City, shall act in the Place of and shall accordingly represent the Recorder, or, as the Case shall be, the Vice-Chancellor or the Mayor.

A. D. 1865;
and the
Vice-Chan-
cellor of
the Uni-
versity of
Oxford, to
be a Court
of Appeal
for Objec-
tions to
Assess-
ments.

[Sections 16-18 direct how complaints against assessments are to be heard by the Assessment Committee, and appeals against decisions of that Committee by the Court of Appeal.]

19. The expenses of the Assessment Committee and of the Court of Appeal shall be paid by the *Oxford* Local Board, and the Clerk to the said Local Board shall be the Clerk to the Court of Appeal.

20. With respect to the General District Rate from Time to Time made and levied by the *Oxford* Local Board :

Expenses
of Assess-
ment Com-
mittee and
of Court of
Appeal.
Who to be
rated to
the Gene-
ral District
Rates of
the *Oxford*
Local
Board.

- (a.) All rateable Property belonging to the Chancellor, Masters, and Scholars of the University shall be rated in the Name of the Vice-Chancellor of the University :
- (b.) All rateable Property belonging to the Mayor, Aldermen, and Citizens of *Oxford* shall be rated in the Name of the Mayor of the City :
- (c.) All rateable Property belonging to the Dean and Chapter of *Christ Church* and to the other Colleges and the Halls in the University shall respectively be rated in the names of the Treasurer of *Christ Church*, and of the Senior Bursar or Treasurer of the several other Colleges, and of the Principals of the several Halls respectively :

Cap. 108] *Local Government Supplemental* [28 & 29 VICT.
(No. 5).

A. D. 1865. (d.) All rateable Property belonging to Feoffees or Trustees of Charities or Public Buildings shall respectively be rated in the Names of the Feoffees and Trustees respectively.

Rates on the University and Colleges and Halls of Oxford to be collected and paid by the Vice-Chancellor. Power to determine that Arrangement.

21. The General District Rate from Time to Time made by the *Oxford* Local Board, and payable by the University and *Christ Church* and the other Colleges and the Halls respectively, shall be collected and paid to the Local Board by the Vice-Chancellor; provided that this Arrangement may at any time be determined by Notice in Writing in that Behalf given by the Vice-Chancellor to the Local Board, or by the Local Board to the Vice-Chancellor, and if Notice be so given, and be not withdrawn within Twelve Months after the Service thereof, then from and after the Expiration of that Period the General District Rate payable by the University and *Christ Church*, and the several other Colleges and the Halls respectively, shall be collected by the Local Board.

[Section 22 directs that 'the Custody, Care, and Management of the Public Library in the City of *Oxford* shall be vested in the Local Board,' and that all the expenses thereof shall from time to time be paid out of the General District Rate: 'provided that the Amount expended by the Local Board in any One Year for the Purposes of the Public Library shall not exceed the Amount which might be raised by them by a Rate for the Purpose made under' the Public Libraries Act, 1855.¹]

Act incorporated with 21 & 22 Vict. c. 98.

Short Title.

23. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

24. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1865 (No. 5)."

¹ 18 & 19 Vict. c. 70.

SCHEDULE of Provisional Orders referred to in A. D. 1865.
the preceding Act.

11. OXFORD.—Repealing and altering Parts of Local Acts in force within the District of the Oxford Local Board.
12. HINCKSEY (Oxford District).—Altering the Boundaries of the District of Oxford, under the Local Government Act, 1858.
13. COWLEY (Oxford District).—Altering the boundaries of the District of Oxford, under the Local Government Act, 1858.

OXFORD.

Provisional Order repealing and altering Parts of Local Acts in force within the District of the Oxford Local Board.

WHEREAS the Local Government Act, 1858,¹ has been duly adopted within the University and City of Oxford, the suburbs thereof, and the adjoining Parish of St. Clement, by the Oxford Commissioners mentioned and referred to in the 82d section of the Local Government Act aforesaid; and the Local Board for the Oxford District have, in pursuance of the provisions of section 77 of the Local Government Act, 1858, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying that the provisions of the Public Health Act, 1848, and the Local Government Act, 1858, respectively, with respect to the paving, pitching, repairing, lighting, and cleansing of the several public streets, lanes, ways, passages, and places within the District, should come into operation therein, and that the powers of the Commissioners with respect to Magdalen Bridge and the Mileways, and with respect to Gas works and Gas Supply, should be transferred to and vested in the said Petitioners; that further provision should be made with respect to the election of Members of the Local Board; and that provision should be made for rendering the property in the University and the Colleges

¹ 21 & 22 Vict. c. 98 (*supra*).

A. D. 1865, and Halls thereof liable to the General District Rates of such Local Board.

AND WHEREAS for such purposes the said Petitioners prayed that such of the provisions of the Oxford Local Acts of 1771 and 1781 and 1812 and 1815 and 1848 respectively as do not relate to the Markets and to the Gasworks and the Gas Supply respectively (which provisions do not confer powers or privileges upon corporations, companies, undertakers, or individuals for their own pecuniary benefit) should be in part repealed and in part amended, and other provisions enacted, and an Order for the purpose under section 77 of the Local Government Act should accordingly be made.

AND WHEREAS, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition, and Mr. Robert Rawlinson, the Inspector appointed for the purpose, has reported to me thereon.

AND WHEREAS it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament:

NOW, THEREFORE, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order,—

- 1.—The following provisions shall have effect on and after the third Wednesday next after the day of the passing of the Act confirming this Order.
- 2.—The provisions of the Local Government Act, 1858, relating to the several purposes included in the five several Local Acts of the 11th year of George the 3rd, chap. 19, and the 21st year of George the 3rd, chap. 47, and the 52nd year of George the 3rd, chap. 72, and the Session of the 5th and 6th years of William the 4th, chap. 69, and the Session of the 11th and 12th years of Her present Majesty, chap. 37, which are respectively in force in the Oxford District (in this Order called the five Local Acts¹), with relation to any of the purposes of the Public Health Act, 1848, or the Local Government Act, 1858, which have not already come into operation

¹ The Mileway Acts (*supra*).

- within the District, shall (except only as in this A. D. 1865.
Order is otherwise provided) come into and be in
operation in all places within the District.
- 3.—Provided, that this Order shall be subject to the
several powers and provisions of the five Local Acts
respectively, so far as the same relate to the Tolls
to be demanded and taken in respect of Magdalen
Bridge and the Mileways, and to the Mortgages of
the Tolls and the rights and remedies of the Mort-
gagees thereof, and to the Markets respectively.
- 4.—The five Local Acts respectively are by this Order
repealed, save only the sections and provisions
thereof following, so far as the same respectively
are now in force, that is to say, the sections and
provisions of the five Local Acts respectively relating
to Magdalen Bridge and the Mileways, and the
Tolls to be demanded and taken in respect of the
same, and the Mortgages of the Tolls, and the rights
and remedies of the Mortgagees thereof, and relating
to the Markets, and relating to Gasworks and the
supply of Gas, and relating to all matters incidental
to those matters respectively.
- 5.—The sections and provisions of the five Local Acts
respectively which are so saved (except the sections
and provisions thereof relating to the Markets) shall,
so far as the same respectively are now in force,
apply not to the Commissioners but to the Local
Board instead of the Commissioners, and shall be
read and have effect as if wherever in those sections
respectively the Commissioners are named or referred
to the Local Board instead of the Commissioners
were named or referred to.
- 6.—All sewers, drains, and other works respectively
made by and vested in the Commissioners, and all
lands and interests in lands respectively acquired by
and vested in the Commissioners for the widening
Magdalen Bridge and its approaches and the streets,
and all rights incidental to the same respectively,
and the benefit and burden of all contracts entered
into by or with the Commissioners with respect to
the lighting of streets and other public places, and
the supplying of paving stone and materials for
paving and repairing streets and other public places,
and the cartage thereof, and all rates duly assessed

A. D. 1865.

under the provisions of the said five Local Acts or any of them, and not collected at the time that this Order shall begin to have effect as first herein-before mentioned, and all other property and effects, rights, and liabilities whatsoever of the Commissioners under the five Local Acts respectively with respect to any of the purposes thereof other than the purposes thereof relating to the Markets, are by this Order transferred to and vested in the Local Board.

- 7.—All the deeds, records, minutes, accounts, account books, minute books, and other documents, papers, and writings of the Commissioners with respect to any of the purposes of the five Local Acts respectively, other than the purposes thereof with respect to the Markets, shall be the property of the Local Board, and shall forthwith be delivered to them by the Commissioners accordingly, the Local Board giving to the Commissioners, if so required by them, a schedule of and a receipt in writing for the same; but the same shall at all seasonable times be open to the inspection and transcription of the Commissioners and their agents in that behalf, and, if and when requisite for enforcing any claim or demand by or resisting any claim or demand against the Commissioners, shall, at their request and expense, be produced in any Court of law or equity or elsewhere.
- 8.—Wherever in the Act of the 58th year of George the 3rd, chap. 64,¹ intituled "An Act for lighting with Gas the University and City of Oxford and the Suburbs of the same City," the Commissioners are named or referred to, the Local Board instead of the Commissioners shall be deemed to be named, or referred to, and that Act shall be read and have effect accordingly.
- 9.—For the purposes of all Acts from time to time in force with respect to the removal or prevention of nuisances, and also with respect to the well ordering of Common Lodging Houses, the Local Board instead of the Commissioners shall be the Local Authority with respect to the execution of those Acts within the District.

¹ c. lxiv (*supra*).

10.—Notwithstanding the repeal of parts of the five A. D. 1865.

- Local Acts respectively, and the transfer by this Order to the Local Board of parts of the property, powers, rights, and liabilities of the Commissioners, and except only as is by this Order otherwise expressly provided, everything before the coming into effect of this Order done, suffered, and confirmed respectively under or by the five Local Acts respectively shall be as valid as if the repeal and transfer had not happened, and the repeal and transfer and the operation of this Order shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, both present and future, which, if the repeal and transfer had not happened, would be incident to or consequent on everything so done, suffered, and confirmed respectively; and with respect to everything so done, suffered, and confirmed respectively, and to all those rights, liabilities, claims, and demands, the Local Board shall to all intents represent the Commissioners.

11.—The accounts of the Commissioners with respect to the several purposes of the five Local Acts respectively, other than the purposes thereof with respect to the Markets, shall forthwith be made up and stated and audited; and if the accounts show a balance in the hands of the Commissioners, then the amount of the balance shall thereupon be paid by them to the Local Board, or if the accounts show that the debts and liabilities of the Commissioners are not fully paid or discharged, then the lawful debts and liabilities of the Commissioners remaining unpaid or undischarged shall be paid or discharged by the Local Board.

• 12.—Provided that this Order shall not give to the Mortgagees of the Tolls to be demanded and taken in respect of Magdalen Bridge and the Mileways any security, right, or remedy in excess of the securities, rights, and remedies which they would have if this Order were not confirmed, and shall not relieve the Parishes of Cowley, Iffley, and St. Clement, or either of them, nor any person or persons, body or bodies politic or corporate, from any liability with respect to the repair of the Mileways of Magdalen Bridge,

A. D. 1865.

and shall not impose on the Local Board any liability with respect to the repair of Magdalen Bridge and the Mileways to which the Commissioners would not be subject if this Order were not confirmed.

- 13.—If any Rates duly assessed under the provisions of the said five Local Acts shall not have been collected at the time that this Order shall begin and have effect, as first herein-before mentioned, the Local Board shall have all the powers for the recovery of the said uncollected Rates which were heretofore possessed by the said Commissioners, and the monies which shall be collected or recovered shall be applied by the Local Board for their general purposes as if they had been part of a General District Rate.
- 14.—The accounts of the Commissioners to be made up, stated, and audited, as by this Order provided, and the accounts of the Local Board, shall be audited by the Auditor of the accounts of the Guardians of the Poor within the City of Oxford, under the Oxford Poor Rate Act, 1854¹; and there shall be paid to him by the Commissioners, and from time to time by the Local Board respectively, the like remuneration for his services in so auditing their respective accounts as is from time to time paid to him for his services in auditing the accounts of the Guardians.
- 15.—The Local Board from time to time, if and when they think fit, may, within the District, cleanse any parts of the Rivers Cherwell and Thames or Isis respectively, and of the streams running into those rivers respectively, and may prevent or remove any encroachments on any of those rivers and streams respectively, and may convert any parts of any of those streams into which any sewer or drain is from time to time emptied into a covered sewer, and may do and execute all works and things which the Local Board shall think requisite for or incidental to any of those purposes.
- 16.—Where the Local Board shall so convert any part of any of those streams into a covered sewer, the arch or other covering over the same, and all works executed by them for the purpose of covering over the same and incidental thereto, shall be by this Order vested in the Local Board.

¹ 17 & 18 Vict. c. cccix (*supra*).

- 17.—Except as regards any sewer or drain which now is lawfully emptied into any of those rivers and streams before mentioned, the Local Board may prevent the emptying of any sewer or drain into any of those rivers and streams, and may do and execute all works and things which they shall think requisite in such case. A. D. 1865.
- 18.—Where any present or future sewer of the Local Board is within 100 feet from any sewer or drain which now is lawfully emptied into any of those rivers and streams respectively, the Local Board may divert the sewer or drain so that it shall thenceforth be emptied into the sewer instead of into such river or stream, and may do and execute all works and things which they think requisite in such case ; but the Local Board shall not so divert any sewer or drain without providing for it a proper and sufficient outfall into their own sewer.
- 19.—All properties whatsoever within the District which are or hereafter may be assessable to any Rate for the Relief of the Poor shall be assessable to the General District Rates to be made and levied by the Local Board, in the same manner in all respects as is provided by Section 55 of the “ Local Government Act, 1858,” and all exemptions from Rates heretofore allowed under any or either of the five Local Acts shall henceforth cease.
- 20.—The several powers by this Order conferred on the Local Board shall be in addition to and not in any respect restrictive of their other powers.
- 21.—Except only as is by this Order expressly provided, nothing in this Order shall take away, lessen, prejudice, alter, or affect any privilege or right whatsoever of the University, or of any of the Magistrates, Officers, Ministers, or Servants thereunto belonging, or any privilege or right whatsoever of the City, or of any of the Magistrates or Servants thereunto belonging, or any exercise of any such respective privilege or right.

Given under my hand this Thirty-first day of
May One thousand eight hundred and sixty-five.

(Signed) G. GREY.

A. D. 1865. [The Provisional Order respecting North Hincksey, dated the 20th of May, 1865, and signed by Sir George Grey, directed, that 'from and after the passing of any Act of Parliament confirming this Order', 'The District of Oxford aforesaid shall be extended by including within its boundaries all that detached portion of the Parish of North Hincksey in the County of Berks which adjoins the Liberty of Grandpont in the Parish of Saint Aldate in the said County, and is bounded by the Shirelake Ditch, and including the same on the north, Grandpont in the Parish of Saint Aldate on the east, the northern side of the towing-path adjoining the river Isis on the south (excluding such towing-path), and the river Isis on the south-west and west, including the said river.'

The Provisional Order respecting Cowley, similarly dated and signed, directed, that 'from and after the passing of any Act of Parliament confirming this Order', 'The District of Oxford aforesaid shall be extended by including within its boundaries the two meadows numbered 1 and 2 on the map annexed to the award dated the twenty-eighth day of June One thousand eight hundred and fifty-three of the valuer acting in the inclosure of the open fields of Cowley, the Marsh, Bullingdon Green, and Elder Stubbs, situate in the Parishes of Cowley, Iffley, and Saint Clement, in the County of Oxford, and which lie on the west side of Magdalen Bridge and between the branches of the river Cherwell there; and also all and so much of the said Parish of Cowley, including Church Cowley and Temple Cowley, as lies between and is bounded on the north, north-west, and west by the river Cherwell and the stream leading out of the same to the private road bounding the allotment numbered 3 on the said award, and bounded on the south by the said private road and on the east by the Henley Mileway; and also so much of the Parish of Cowley as lies

between and is bounded by the Henley Mileway on A. D. 1865.

- the west, the Cowley Mileway on the east and north-east, and the road called Magdalen Road on the south or south-east; also the allotment numbered 40 on the said award, lying on the south side of the said Magdalen Road; also so much of the parish of Cowley as lies north or north-west of the Divinity Footway and east or north-east of the Cowley Mileway; also that part of the said Henley Mileway which extends from the Saint Clement's Turnpike to the first part of the same mileway marked as belonging to Ifley, and tinted yellow on the map annexed to the said award; also the whole of the Magdalen Road and so much of the Cowley Mileway as extends from the Divinity Footway to Saint Clement's Turnpike, and is not in the Parish of Saint Clement; and also all other such parts, if any, of the Parish of Cowley as are not herein-before described and are in the Borough of Oxford.']

29^o & 30^o VICT. CAP. LIX.

An Act to appoint additional Commissioners for A. D. 1866.
executing the Acts for granting a Land Tax and
other Rates and Taxes.¹ 6th August 1866.]

[The preamble recites several Acts for the appointment of Land Tax Commissioners, beginning with 7 & 8 Geo. 4. c. 75 (*supra*).]

- 1. The several and respective Persons herein-after named shall and may and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties, Shires, and Places in England and Wales herein-after severally and respectively mentioned and expressed, as fully and effectually as if they

Appoint-
ment of
additional
Commis-
sioners.

¹ For note on Subsidy and Land Tax Acts see Appendix iv.

A. D. 1866. had been named with the other Commissioners in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth; (that is to say,)

For the University of Oxford.

The Registrar and the Keeper of the Archives for the Time being.

29° & 30° VICT. CAP. LXXXIV.

An Act to amend the Laws for the Regulation of the Profession of Attorneys and Solicitors in *Ireland*, and to assimilate them to those in *England*.¹ [6th August 1866.]

Short Title. 2. This Act may be cited as "The Attorneys and Solicitors Act (*Ireland*), 1866."

Persons having taken Degrees at certain Universities may be admitted after Three Years Service. 7. Any Person having taken the Degree of Bachelor of Arts or Bachelor of Laws in the University of *Oxford*, *Cambridge*, *Dublin*, *Durham*, or *London*, or in the *Queen's University in Ireland*,² or the Degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws in any of the Universities of *Scotland*, none of such Degrees being honorary Degrees, and who at any Time after having taken such Degree, and either before or after the passing of this Act, has been bound by and has duly served under Indentures of Apprenticeship to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner herein-after mentioned,

¹ This Act was repealed by the Solicitors (*Ireland*) Act, 1898 (61 & 62 Vict. c. 17) s. 63 (*infra*).

² The provisions of this section were extended by 42 & 43 Vict. c. 65 to the Royal University of *Ireland*, founded under that Act in substitution for the *Queen's University in Ireland*.

and in accordance with the Practice of the Court of Chancery or Superior Courts of Law in *Ireland*, may be admitted and enrolled and registered as an Attorney or Solicitor; and where any Person has, before the passing of this Act, and at any Time after having taken such Degree, been bound as aforesaid for any Period exceeding Three Years, he may, after having duly served Three Years of such Term in such Manner as would have been required if he had been bound for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Indentures of Apprenticeship) of the Attorney or Solicitor to whom he may be bound to the immediate Determination of his Indentures of Apprenticeship, be admitted, enrolled, and registered as an Attorney or Solicitor; and where such Consent is given as aforesaid, and acted upon under this Provision by the Person hereby made eligible to be admitted, enrolled, and registered as aforesaid, the Indentures of Apprenticeship shall be deemed to have determined as if they had determined by Effluxion of Time.¹

• 29° & 30° VICT. CAP. LXXXIX.

An Act for vesting in the Conservators of the River *Thames* the Conservancy of the *Thames* and *Isis* from *Staines* in the County of *Middlesex* to *Cricklade* in the County of *Wilts*; and for other Purposes connected therewith.² [6th August 1866.]

• ¹ By the Supreme Court of Judicature Act (Ireland), 1877 (40 & 41 Vict. c. 57) s. 78 it was enacted that from and after the commencement of that Act (1st of January, 1878) all persons admitted as solicitors, attorneys, or proctors of or by law empowered to practise in any Court, the jurisdiction of which was thereby transferred to the High Court of Justice of the Court of Appeal, should be called Solicitors of the Court of Judicature, and that all persons who would have been entitled to be admitted as such solicitors, attorneys, or proctors, or been empowered to practise as aforesaid if the Act had not passed, should be entitled to be admitted and to be called Solicitors of the Court of Judicature.

² This Act was repealed by 57 & 58 Vict. c. clxxxvii (The Thames Conservancy Act, 1894), which swept away all previous legislation and established

A. D. 1866. [This Act, the Thames Navigation Act, 1866, discontinued the Upper Navigation Commissioners appointed by 35 Geo. 3, c. 106 (*supra*), and transferred their works and powers to the Conservators of the River Thames, in whom it vested the conservancy of the whole of the navigable part of the river. The number of conservators was increased by the addition of five members to the then number of eighteen, one of such five members to be appointed by the Board of Trade, and the other four to be elected by the persons qualified to be Commissioners under 35 Geo. 3, c. 106.]

29° & 30° VICT. CAP. CXI.

An Act to further amend the Acts relating to the Ecclesiastical Commissioners for *England*.

[10th August 1866.]

Not to
affect
Christ
Church,
Oxford, or
Man-
chester.

23. Nothing in this Act contained shall affect or apply to the Cathedral Church of *Christ in Oxford*, nor to the Cathedral or Collegiate Church of *Manchester*.

29° VICT. Cap. lxxxi.

An Act for extending the Limits of the District within which the *Cambridge University* and Town Waterworks Company may supply Water, and for empowering the Company to raise additional Capital; and for other Purposes.

[11th June 1866.]

[This Act enlarges the powers of the Cambridge University and Town Waterworks Company incorporated by 16 & 17 Vict. c. xxiii (*supra*).]

Saving
Rights of
University.

23. Neither this Act nor the Acts incorporated therein shall be construed to alter or affect the Rights or a new body of Conservators containing no representatives elected by the persons qualified to be Commissioners under 35 Geo. 3, c. 106 (*supra*).

Privileges, Duties, or Liabilities of the Chancellor, Masters, A. D. 1866.
 and Scholars of the University of *Cambridge* as by Law
 possessed under the Charters of the said University or
 otherwise.

29^o & 30^o VICT. *Cap. 2.*

An Act for the better Regulation of Doctor *Blythe's*
 Benefaction to *Clare College, Cambridge.*

[23d July 1866.]

[The Preamble recites 3 Geo. 3. c. 35 (*supra*), 45 Geo. 3.
 c. 101 (*supra*), and 6 Geo. 4. c. 70 (*supra*); and further
 that two advowsons had been purchased out of the
 Benefaction since the passing of 6 Geo. 4. c. 70, making
 a total of seventeen held by the College, being equal
 in number to the fellowships; that there was danger
 of a too rapid succession amongst the fellows if further
 advowsons were purchased; that the net yearly income
 of the Blythe estates was about £600, of which about
 £100 was applicable under 6 Geo. 4. c. 70 to the
 augmentation of Everton with Tetworth and Great
 Gransden Vicarages; that the College were impro-
 priators of the Rectories of five parishes the Vicarages
 of which were College livings, namely Littlington,
 Duxford, Wrawby-cum-Brigg, Everton-cum-Tetworth
 and Great Gransden; that it would be more advan-
 tageous to apply surplus income of the Blythe estates
 in augmenting those Vicarages than in purchasing
 more livings; and that the College was desirous of
 augmenting them by means of the rectorial tithe rent-
 charges and farms receiving compensation out of the
 Blythe Estates.

Section 2 provides that subject and without prejudice to
 the augmentation in pursuance of 6 Geo. 4. c. 70 of
 the Vicarages of Everton with Tetworth and Great
 Gransden the College may apply the yearly income

*Cap. 2] Clare College (Blythe's Benefaction) [29 & 30 VICT.
Act, 1866.*

A. D. 1866.

of the Blythe Estates and accumulations thereof for all or any of the purposes following ; viz. (a) in paying the costs of obtaining the Act : (b) in the perpetual augmentation of all or any of the five Vicarages : (c) in compensating the College for such parts of the rectories as it may appropriate to such augmentation : (d) in accordance with Dr. Blythe's will.

Sections 3 and 4 authorize the College to augment the Vicarages by appropriating the whole or part of the respective rectorial estates for that purpose.

Section 5 provides that on the whole of any rectorial estates being so appropriated the Vicarage shall be reunited to the Rectory and the College become patron of the Rectory.

Sections 6 and 7 authorize the College to take to its own use out of the income and accumulations of the Blythe estates compensation not exceeding an amount to be fixed by the Ecclesiastical Commissioners for augmentations made out of rectorial estates.

Section 8 repeals 6 Geo. 4. c. 70 if and when the Vicarages of Everton with Tetworth and Great Gransden have been perpetually augmented so as to be worth £200 a year.]

30^o & 31^o VICT. CAP. LXXV.

A. D. 1867. An Act to remove certain Religious Disabilities affecting some of Her Majesty's Subjects, and to amend the Law relating to Oaths of Office.¹

[12th August 1867.]

The Oath herein named shall be substituted

5. In all Cases in which any Oath which has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration is now required to be taken, or taken and subscribed

¹ The obligation to take the oath prescribed by this Act was removed as regards the Universities by 31 & 32 Vict. c. 72. s. 9 (*infra*), and s. 5 was repealed by 34 & 35 Vict. c. 48.

as a Qualification for the Exercise or Enjoyment of any Office, Franchise, or Civil Right,¹ the following Oath shall be taken, or taken and subscribed, as the Case may be, in lieu and instead of such substituted Oath :

I A. B. do swear, That I will be faithful and bear true 'allegiance to Her Majesty Queen Victoria; and I do 'faithfully promise to maintain and support the Succession 'to the Crown, as the same stands limited and settled by 'virtue of the Act passed in the reign of King William the 'Third, intituled "An Act for the further Limitation of the 'Crown and better securing the Rights and Liberties of the 'Subject," and of the subsequent Acts of Union with Scot- 'land and Ireland. So help me GOD.'

6. Where in the Oath hereby appointed the Name of Her present Majesty is expressed, the Name of the Sovereign of this Kingdom for the Time being, by virtue of the Act "for the further Limitation of the Crown, and "better securing the Rights and Liberties of the Subject," shall be substituted from Time to Time with proper Words of Reference thereto.

A. D. 1867.
in all Cases
for the
Oaths now
required to
be taken
by Office-
holders and
others in
lien of the
Oaths of
Allegiance,
Supre-
macy, and
Abjura-
tion.

The Name
of the
Sovereign
for the
Time being
shall be
used in the
Oath.

30° & 31° VICT. CAP. LXXVI.

An Act to repeal certain Ordinances made for the Cathedral or House of *Christ Church* in *Oxford* by the Commissioners appointed under the *Oxford University Act*, 1854, and to substitute a new Ordinance in lieu thereof.²

[12th August 1867.]

WHEREAS under and by virtue of an Act passed in the Session holden in the Seventeenth and

17 & 18
Vict. c. 81.

¹ By 21 & 22 Vict. c. 48 (*supra*) a single oath was substituted for the Oaths of Allegiance, Supremacy, and Abjuration.

² The Ordinance in the Schedule to this Act was repealed, except certain parts thereof, by the Statutes made for Christ Church under 40 & 41 Vict. c. 48 (*infra*), approved the 3rd of May, 1882.

A. D. 1867. Eighteenth Years of Her Majesty, Chapter Eighty-one,¹ afterwards amended by Acts passed respectively in the Session holden in the Nineteenth and Twentieth Years,² and in the Session holden in the Twentieth and Twenty-first Years, of Her Majesty,³ the Commissioners appointed by and under the first of the said Acts made Two Ordinances, dated respectively the Ninth Day of *January* One thousand eight hundred and fifty-eight and the Sixteenth Day of *April* One thousand eight hundred and fifty-eight, in relation to the Cathedral or House of *Christ Church* in the University of *Oxford*; and the said Ordinances having been duly approved by Her Majesty in Council thereupon took effect, and, with certain Alterations since made in manner provided by the said Acts, are now in force as Statutes of the said Cathedral or House: And whereas the said Ordinances have been found to be in various respects defective and insufficient, and Questions having arisen in consequence thereof between the Dean, the Canons, and the Senior Students of the said House, it was agreed between the said Dean, Canons, and Senior Students that it should be referred to the Most Reverend the Lord Archbishop of *Canterbury*, the Right Honourable *Sir John Taylor Coleridge*, *Sir William Page Wood*, One of the Vice Chancellors of the High Court of Chancery, *Sir Roundell Palmer* Knight, and *Edward Turner Boyd Twisleton* Esquire (commonly called the Honourable *Edward Turner Boyd Twisleton*), (the said Archbishop of *Canterbury*, *Sir John Taylor Coleridge*, and *Edward Turner Boyd Twisleton* being Three of the Commissioners by whom the said Ordinances were made,) to take into consideration all Questions relating to the Government of the said House, the Management and Application of its Revenues, and the Elections to Studentships therein, and to frame such a Scheme for the future Government of the House, as they might deem most likely to conduce to its Welfare and Usefulness: And whereas the said Archbishop of *Canter-*

¹ *Supra*.

² 19 & 20 Vict. c. 31 (*supra*).

³ 20 & 21 Vict. c. 23 (*supra*).

bury, Sir John Taylor Coleridge, Sir William Page Wood, A. D. 1867. Sir Roundell Palmer, and Edward Turner Boyd Twisleton, having considered the Matters referred to them, have recommended certain Alterations in and Additions to the said Ordinances made in the Year One thousand eight hundred and fifty-eight as aforesaid, which cannot be made without the Authority of Parliament, and have expressed their Opinion that such Alterations and Additions may most conveniently be made by substituting for the said Ordinances the amended Ordinance or Body of Regulations in the Schedule to this Act set forth, and have advised that Application should be made to Parliament for that Purpose: And whereas it is expedient that the aforesaid Recommendation should be carried into effect: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Two Ordinances made as aforesaid by the Commissioners under the herein-before recited Acts, bearing Date respectively the Ninth Day of *January* One thousand eight hundred and fifty-eight and the Sixteenth Day of *April* One thousand eight hundred and fifty-eight, in relation to the Cathedral or House of *Christ Church* in *Oxford*, shall be and are hereby repealed, and shall from and after the Eleventh Day of *October* One thousand eight hundred and sixty-seven cease to have Force as Statutes of the said Cathedral or House: Provided always, that nothing in this Act or in the Ordinance herein-after confirmed shall take away, alter, or prejudice any existing Right, Distinction, or Privilege acquired under the said repealed Ordinances or either of them, or under any lawful Practice or Usage of the said House, before the passing of this Act, by any Person other than the Dean, Canons, and Senior Students respectively of the said House, or any Right of the said Dean, Canons, and Senior Students or any of them to any Payments or other Matter or Thing

Recited
Ordinances
dated 9th
Jan. 1858
and 16th
April 1858
repealed.

A. D. 1867, which may have become due previously to the passing of this Act.

After 11th
October
1867 Or-
dinance in
Schedule,
except
Section 28,
to take
effect.

2. The Ordinance set forth in the Schedule to this Act, except so much thereof as is contained in the Section thereof numbered Twenty-eight, and entitled "Certain Distinctions abolished," shall from and after the Eleventh Day of *October* One thousand eight hundred and sixty-seven take effect and have force in lieu of the said repealed Ordinances ; and the Regulations therein contained (except as aforesaid) shall thenceforth (subject to the Provisions of this Act and to the Power of Alteration by the same Regulations reserved to Her Majesty in Council) be Statutes of the said House : Provided always, that the Governing Body of the said House, as constituted by the said Ordinance, shall have Power from Time to Time to make such Orders concerning any of the Matters contained in the said excepted Part of the said Ordinance as to them shall seem fit ; provided also, that in the Interpretation of the said Ordinance the Payments thereby authorized to be made to the *Westminster* Junior Students shall in all Cases be deemed and taken to be exclusive of Rooms.

Effect of
Instru-
ments con-
veying
Real or
Personal
Property.

3. Any Instrument relating to any Real or Personal Property, the Disposal and Management whereof is by the said Ordinance vested in the Governing Body thereby constituted, when duly sealed with the Corporate Seal of the said House, in the said Ordinance described as the "College Seal," under the Direction of the said Governing Body, shall have the same Effect at Law and in Equity as any like Instrument duly sealed with the Corporate Seal of the Dean and Chapter of the said Cathedral or House under the Direction of the said Dean and Chapter would have had before the passing of this Act.

Short Title.

4. This Act may be cited for all Purposes as "The *Christ Church, Oxford, Act, 1867.*"

SCHEDULE.

A. D. 1867.

THE ORDINANCE OR STATUTES ABOVE REFERRED TO.

I.—THE HOUSE OR COLLEGIATE FOUNDATION.

The House or Collegiate Foundation of the Cathedral Church of Christ, in Oxford, shall include the Dean, Six Canons, Twenty-eight Senior Students, and Fifty-two Junior Students, beside Chaplains and other Ministers and Servants of the said Cathedral Church.

The Six Canonries shall be those annexed respectively to the Regius Professorships of Divinity, Hebrew, Ecclesiastical History and Pastoral Theology, the Lady Margaret's Professorship of Divinity, and the Archdeaconry of Oxford.¹

It shall be lawful for the Governing Body hereinafter mentioned, if and when they shall have at their disposal funds available for the purpose, to increase the number of Senior Studentships above Twenty-eight, and likewise to increase the number of Junior Studentships above Fifty-two by adding to the number of those which are hereinafter called Open Junior Studentships. Provided that if, in the exercise of this power, Senior Studentships shall be created, not more than Twelve such Senior Studentships shall be added to the number of Twenty-eight, until Nine new Junior Studentships shall also have been created; and, if Junior Studentships shall be created, not more than Nine such Junior Studentships shall be added to the number of Fifty-two, until Twelve new Senior Studentships shall also have been created.

The number of Chaplains may, if the Dean and Canons shall think fit, be diminished by them as hereinafter provided.

The Servitorships existing within the House shall be maintained, either under that designation or under such new designation as the Governing Body hereinafter mentioned may determine; and the Exhibitions of the foundation of Archbishop Boulter for Servitors, Mr. Pauncefort, Dr. Gardiner, Bishop Frampton, Dr. Cotton, and Mrs. Paul

¹ For the annexation of these canonries to the respective professorships and archdeaconry see 10 Ann. c. 45 [c. 12., Ruff.] (*supra*) and 3 & 4 Vict. c. 113. ss. 5, 6, and notes thereto (*supra*).

A. D. 1867. may, in the latter case, be applied to the support of the persons bearing such altered designation.

II.—THE GOVERNING BODY: ITS CONSTITUTION AND GENERAL POWERS.

The Government of the Foundation, and the disposal and management of its Possessions and Revenues, including all Estates now vested in the Dean and Chapter, or in the Dean and Canons, or in the Dean and certain of the Canons, upon any Trust for purposes connected with the House, shall be vested in the Dean, Canons, and Senior Students; and all Powers and Authorities whatsoever heretofore exercised by the Dean and Canons alone, or by the Dean and Canons conjointly with any other person or persons within the House, shall henceforth be exercised by the Dean, Canons, and Senior Students, as the Governing Body of the House; except only certain powers and authorities which are herein-after expressly reserved to the Dean and Canons.

Students of the House elected before the day on which the Commissioners' Ordinance of the Ninth day of January 1858 was approved by Her Majesty in Council shall, if resident in the University, or holding any Office within the House, be entitled to act as members of the Governing Body. Those only shall for this purpose be considered resident in the University who shall, at the time when the privilege of Residence is claimed or exercised, be qualified as Residents to vote in the Congregation of the University under the Act 17th and 18th Victoria, chapter 81.

III.—THE CORPORATE SEALS.

Of the two Seals now in use by the Dean and Chapter, the one called "the Small Seal" shall henceforth be "the Chapter Seal," and be retained for the exclusive use of the Dean and Chapter in the exercise of the powers herein reserved to them, and of other powers ordinarily vested in the Dean and Chapter of a Cathedral Church (except such as are herein specially conferred on the Governing Body hereby constituted); and the other Seal, called "the Large Seal," shall, with a duplicate thereof on a reduced scale, be "the College Seal," and be retained for the use of the

Governing Body in the exercise of the powers herein conferred upon them. And the affixing of the College Seal shall be sufficient to pass all interest in real and personal Estate, the property of the House, or held in trust as aforesaid, the disposal and management whereof is hereby vested in the Governing Body. A. D. 1867.

IV.—RESERVED POWERS OF THE DEAN AND CHAPTER.

All Powers heretofore lawfully exercised by the Dean and Canons over and in respect of the Cathedral Church itself, its fabric and appurtenances, including the Chapter House, and over the Chaplains, Organist, Schoolmaster, Lay Clerks and Choristers, and other Ministers and Servants of the said Church, and over and in respect of the residentiary houses now occupied by the Dean and the six Canons herein-before referred to, shall be excepted out of the Powers assigned to the Governing Body, and shall be reserved to the Dean and Canons, as Dean and Chapter of the said Cathedral Church; and the Dean and Canons shall have, in respect of the things and persons aforesaid, all the powers now vested in them, or ordinarily vested in the Dean and Chapter of a Cathedral Church, subject only, as to the said Church, to the provision herein-after contained, under which it is, at certain times, to be used and regarded as a College Chapel for members of the House.

The Dean and Chapter may, if they shall think fit, diminish the number of Chaplains to not less than Four, by not filling up vacancies, and may assign to them such stipends, not less individually than the emoluments they have heretofore received, nor less in the aggregate than the emoluments heretofore received by the Six Chaplains, as the Dean and Chapter may think fit.

The Dean and Canons shall likewise have the exclusive disposal of the moneys to be annually set apart as herein-after directed, and to be called respectively the "Cathedral Fabric Fund" and the "Chapter Fund."

In the exercise of the Powers herein reserved to them, and in the disposal of the said Funds, the Dean and Canons shall be free from all control or interference on the part of the Governing Body of the House, and subject only to the legal authority of the Visitor; and the Dean and Canons shall not on their part, otherwise than as individual members of the Governing Body, be entitled to

A. D. 1867. control or interfere with the exercise of the powers herein assigned to the Governing Body.

V.—USE OF THE CATHEDRAL.

The Governing Body shall have power to arrange Services for the benefit of Undergraduate Members of the House, as well as for College servants, on Sundays and Holy Days, and to determine the time at which such Services shall be celebrated; provided always, that there be no interference with the ordinary Cathedral Service, and further that, in case the Canons should concur in adopting such Collegiate Service as the Cathedral Service also, the right of preaching Sermons or of appointing Preachers (if there should be Sermons) shall remain with the Dean and Chapter.

VI.—RIGHT TO PRESENT TO LIVINGS.

The right to present to vacant Benefices in the gift of the House, or held in Trust for any Members of the House as such, shall belong in the first instance to the Governing Body, but may be exercised by them only in favour of persons who shall be either Students or Chaplains of the House. If the Governing Body shall not within three calendar months after the avoidance of any Benefice have presented thereto a Student or Chaplain of the House, the right of Presentation shall pass to the Dean and Canons, who may exercise it in favour of any person whom they may think fit.

SEPARATE FUNDS.

VII.—*The Cathedral Fabric Fund.*

The Governing Body shall, as soon as conveniently may be after these Recommendations shall come into force, and afterwards, once at least in every ten years, cause a Surveyor to report to them in writing what in his opinion will be the average annual expenditure required during the ensuing ten years for the repairs and proper sustentation of the Cathedral and its appurtenances, including the Chapter House. And the Governing Body shall thereupon order that a sum not less than the amount of such estimate shall

be set apart in every year of such decennial period, or A. D. 1867. until a new estimate shall have been laid before them in the same manner. The annual sums so set apart shall form a separate Fund, which shall be called the "Cathedral Fabric Fund," and shall be applied to such repairs as aforesaid, under the exclusive control of the Dean and Chapter.

VIII.—*The Chapter Fund.*

The Governing Body shall further cause to be set apart in every year a sum not less than 17,000*l.*, which shall be applicable, under the exclusive control of the Dean and Canons, to the following purposes, viz.:—

- Payment of Stipends or Salaries to the Chaplains, Organist, Schoolmaster, Lay Clerks, Choristers, and other Ministers and Servants of the Cathedral Church, and of all outgoings and expenses whatever on account of or in relation to the said Church or the Celebration of Divine Service therein (other than those provided for by the Fabric Fund).

Payment of Cathedral Alms and Pensions.

Payment to the Dean and existing Canons of their respective Stipends or Emoluments in the accustomed proportions.

IX.—*Regius Professor of Greek's Fund.*

The Governing Body shall cause a yearly sum of 500*l.* to be set apart and paid out of the revenues of the House to the Regius Professor of Greek within the University for the time being, in addition to the two yearly sums of 40*l.* each now payable to the Regius Professor of Hebrew and the Regius Professor of Divinity.

X.—APPLICATION OF REVENUES.

The several sums herein-before directed to be set apart shall be considered as charges on the general revenues of the House, prior to the Studentships. The surplus revenue, after payment of all necessary charges and outgoings whatsoever, including the emoluments of the Senior and Junior Students, shall be at the disposal of the Governing Body, for the increase of the numbers of Senior and of Open Junior Studentships, and for other College purposes ;

A. D. 1867. with power, under the conditions and to the extent herein-after mentioned, to divide the same among the senior Students.

The income arising from the Canonry which has been suppressed in pursuance of the Commissioners' Ordinance, and that which will arise from the suppression of the seventh existing Canonry, shall always be applicable to such of the Senior Studentships as are herein-after called Clerical Studentships; yet not so as to raise the emoluments of any Clerical Studentships above those of any Lay Studentship, nor to increase the number of Clerical Studentships above that herein-after fixed.

XI.—POWERS OF GOVERNING BODY AS TO COLLEGE OFFICERS AND BYELAWS.

The Governing Body may from time to time regulate as they shall think fit the duties and emoluments of the officers of the House (not being such officers as are herein-before placed under the control of the Dean and Chapter), and the mode of their appointment or election, and may institute such new offices as they shall deem expedient for the better management of the property, revenue, and affairs of the House, and the instruction and discipline of its members, and may assign to such new offices such stipends or emoluments as the Governing Body shall think proper: Provided that it shall be lawful for the Visitor, upon the petition of any member of the Governing Body, or of any officer of the House whose stipend or emoluments may have been diminished in exercise of the foregoing power, to disallow such regulation or assignment if he shall think fit.

The Governing Body may from time to time make Byelaws, binding on the Students, and on all members of the Governing Body, as such: Provided that such Byelaws be not repugnant to any Statute of the House.

XII.—MEETINGS OF THE GOVERNING BODY.

There shall be two stated General Meetings at least of the Governing Body in each year, on such days as the Governing Body shall appoint. Any stated General Meeting may be adjourned by resolution of the Meeting to a day to be specified in the resolution. The Governing Body may make from time to time such rules for regulating the

proceedings at stated or special Meetings, and for determining what business shall be transacted thereat, and for fixing (if they shall think fit) the notice to be given before bringing forward any question, as they may deem expedient.

At all Meetings of the Governing Body (including Meetings for the Election or Deprivation of Senior or Junior Students) the Dean shall preside, and his vote shall be counted as two votes; and whenever the votes shall be equal he shall have an additional casting vote. Subject to the foregoing provision, and except in cases in which the concurrence of any specified proportion of the Governing Body is hereby made requisite, every question arising at any Meeting shall be determined by a majority of the votes of those present.

XIII.—THE DEAN'S POWERS.

All powers heretofore exercised by the Dean in respect of the general government and superintendence of the House, the enforcement of order and discipline, the appointment and removal of Tutors and otherwise, may be hereafter exercised by him, except so far as the exercise of such powers would be inconsistent with any provision herein contained. The Dean may, if he shall think fit, appoint from among the resident Senior Students a "Censor Theologiæ," who shall perform the functions and possess the powers hitherto performed and possessed by the Sub-Dean in relation to the Discipline of the House, but without prejudice to the precedence and authority enjoyed by the Sub-Dean at meetings of the Governing Body. The office of "Censor Theologiæ," if created, is, like other offices in the House, to be subject to the power of making Byelaws or Regulations possessed by the Governing Body.

XIV.—THE SUB-DEAN.

The authority heretofore possessed by the Sub-Dean to act in the place of the Dean in his absence shall be retained, subject to the operation of the Clause last preceding; and the Sub-Dean shall, at Meetings of the Governing Body, have the same precedence and power, if the Dean be absent, as the Dean would have had, if present.

A. D. 1867.

XV.—THE SENIOR STUDENTS.

The election of Senior Students shall be held on a stated day or stated days in each year, to be appointed by the Governing Body (subject to the provision for postponement herein-after contained); and notice of such intended election and of the conditions of election shall be given by the Dean, in such manner as he shall deem best adapted to secure publicity, thirty days at least before the day of election.

The Senior Students shall be persons of unblemished character, conforming to the Liturgy of the United Church of England and Ireland as by law established, who shall have passed all the examinations required by the University for the Degree of Bachelor of Arts, unmarried, and not disqualified by the possession of any such property, benefice, pension, or office as herein-after mentioned. The Candidates shall be examined in such subjects connected with the studies of the University as the Governing Body shall from time to time determine; provided that the system of examinations shall be such as shall render Senior Studentships accessible from time to time to excellence in every branch of knowledge for the time being recognized in the Schools of the University; and the Governing Body shall choose that Candidate who after such examination shall appear to them to be of the greatest merit and most fit to be a Senior Student of the House as a place of religion, learning, and education. That Candidate for whom the greatest number of votes shall have been given shall be deemed elected. Whenever there shall be no duly qualified Candidate for a vacant Senior Studentship whom the Governing Body shall judge of sufficient merit for election, and whenever a Senior Studentship shall fall vacant and there shall not be time to give the notice herein-before directed before the day of election, the election shall be postponed to some other day, to be fixed by the Governing Body, not later than the next ensuing stated day of election to Senior Studentships; and every such postponed election shall be held and conducted in the same manner, and after the same previous notice, as if there had been no postponement.

Of the said twenty-eight Senior Studentships, nine (including the Lee's Readerships herein-after mentioned) shall be Lay, and nineteen shall be Clerical, Studentships. The holders of the Lay Studentships shall not be required, as a condition of retaining their Studentships, to take Holy

Orders; but if any Lay Student should do so, then upon the next vacancy in a Clerical Studentship a Lay Student shall be elected, so that the aforesaid proportion between Lay and Clerical Studentships shall always be preserved as nearly as may be. No person shall be eligible to a Clerical Studentship who shall not either be a Priest or Deacon of the United Church of England and Ireland, or declare that he intends to take Holy Orders in the said Church. Every person who shall have made such declaration, or who at the time of his election shall be in Deacon's Orders, shall be required to take Priest's Orders within four years after the time at which he shall be of sufficient standing, according to the Statutes of the University, to take the Degree of Master of Arts, and in default thereof shall vacate his Studentship: Provided that it shall be lawful for the Governing Body, in case of sickness, or for any other very urgent cause, to grant a delay for a period not exceeding six months. Such additional Senior Studentships as the Governing Body may hereafter establish, to the number of Twelve or fewer, shall likewise be divided into Clerical and Lay Studentships, one at least in every three being a Lay Studentship. Any Senior Studentships which may be established after the number has been raised to Forty may also be divided in the same or any other proportion, or may be exclusively Lay or Clerical, as the Governing Body may think fit.

Every person elected to a Senior Studentship shall undergo probation for twelve calendar months from the day of his election inclusive, and at the end of such twelve calendar months shall be admitted an actual Senior Student, if found fit in the judgment of the Governing Body. Every person admitted to probation shall receive during the period of probation the same emoluments as if he had been admitted an actual Senior Student, but shall not be entitled to vote on any occasion.

Every Senior Student who shall marry shall thereupon vacate his Studentship.

Every Senior Student who shall be instituted to an ecclesiastical benefice, or shall become entitled, either by descent or devolution, or by virtue of any testamentary or other gift or settlement, to property, or to any government pension, or be admitted to any office tenable for life or during good behaviour (not being an academical office within the University of Oxford), and who shall retain such benefice, property, pension, or office for twelve calendar

A. D. 1867. months from the day of his institution, accession, or admission thereto, shall, if such ecclesiastical benefice be a benefice with cure of souls (except in certain cases to be specified as herein-after mentioned), or if the annual income derivable by him from such property, pension, or office, or from any ecclesiastical benefice without cure of souls, or from any two or more of the above-mentioned sources (including or not including a benefice with cure of souls), clear of deductions (except for property or income tax), shall exceed 500*l.*, vacate his Studentship at the expiration of such twelve calendar months; and for this purpose the income which the estimated value of any property would produce, if invested in Three pounds per Centum Consolidated Annuities, at the price current at the time of the acquisition thereof, shall, in case of doubt, be considered to be the income derivable from such property. The Governing Body may, by a Byelaw or Byelaws, declare in what cases a benefice with cure of souls may be tenable with a Senior Studentship. The word "property" shall in this clause include any estate or interest in possession in any property, real or personal. In any case in which the property or sources of income may have been acquired at several times, the latest time at which any part of such property or any of such sources of income shall have been acquired shall, in construing this clause, be considered as the time of the acquisition of the whole thereof. It shall be lawful for the Governing Body to require from any Senior Student any information which they may deem necessary for enabling them to enforce the provisions of this clause.

Every Senior Student who shall be appointed to a Canonry in the House (whether annexed to a Professorship or not), or shall be elected to and accept a Headship or Fellowship in any College within the University of Oxford, or any other University, shall thereupon vacate his Studentship.

The Governing Body may, from time to time, make such regulations respecting the residence of Senior Students within the University, and respecting the mode in which and the conditions under which leave of absence may be granted to any Senior Student, as they may deem expedient for the interests of the House as a place of learning and education, and may vary such regulations from time to time, and may enforce such regulations, if they shall think fit, by pecuniary penalties, and, in case of contumacious

non-compliance, by deprivation. Present regulations respecting the residence of Senior Students shall be binding until altered by the Governing Body. A. D. 1867.

Every holder of a Clerical Studentship shall be required to take the Degree of Master of Arts within one year after the time at which he shall be of sufficient standing to take that Degree by the Statutes of the University; and every holder of a Lay Studentship shall be required to take either the Degree of Master of Arts, or the Degrees of Bachelor and Doctor of, Civil Law, or those of Bachelor and Doctor of Medicine, within one year after the times at which he shall be of sufficient standing to take those Degrees respectively by the Statutes of the University. Any Student failing to comply with the foregoing provisions shall vacate his Studentship; provided that the Governing Body may, whenever they shall deem it just on special grounds to do so, allow the taking of any such degree to be postponed for a period not exceeding, except in case of unsoundness of mind or disability of body, one year.

Any Senior Student who shall, in the judgment of the Governing Body, or the major part of it, have been proved guilty of grave immorality, or of contumaciously ceasing to conform to the Liturgy of the United Church of England and Ireland as by law established, shall cease to be a Student of the House; and every Senior Student who shall in like manner have been judged guilty of conduct bringing dishonour upon the House, of gross negligence or misconduct in any office within the same, or of contumacious non-observance of the Statutes or Byelaws of the House, or of grossly offensive behaviour towards any member thereof, may be deprived of his Studentship by the Governing Body, if, in the judgment of the Governing Body, or the major part of it, the gravity of the offence shall so require.

The emoluments of each Senior Student shall be 200*l.* per annum, exclusive of rooms, but inclusive of all other allowances, or as near thereto as the funds available for the purpose will admit. If and when the number of Senior Studentships and that of Open Junior Studentships shall have been respectively raised to Forty, the surplus Revenues of the House, after all prior charges have been satisfied, may be divided among the Senior Students; but so that the emoluments of a Senior Studentship shall never exceed 300*l.* per annum, exclusive of rooms.

The Governing Body, may nevertheless, if they shall

A. D. 1867. think fit, at any time increase the emoluments of every Senior Student who shall be a College Officer, Tutor, Reader, or Lecturer within the House to an amount not exceeding 300*l.* per annum, exclusive of rooms, but inclusive of all other allowances.

XVI.—*Dr. Lee's Readers.*

Of the Senior Students, one shall always be a person qualified to give instruction in Anatomy, and another to give instruction in Chemistry. They shall be called respectively "Dr. Lee's Reader in Anatomy," and "Dr. Lee's Reader in Chemistry," and shall be bound to lecture or otherwise give instruction in those Sciences, as the Governing Body may direct. No person in Holy Orders shall be eligible to either of the said Readerships; and any Reader who shall take Holy Orders shall thereupon vacate his Studentship.

The emoluments of each Reader shall never be less than 200*l.* per annum, exclusive of rooms, but inclusive of all other allowances, and shall be a charge upon the income of the lands and tenements held under the Will of the said Dr. Matthew Lee, posterior to the annual charge or sum of 1,260*l.* herein-after appropriated to Westminster, Junior Studentships; if such income shall not be sufficient, they shall be further charged upon the General Revenues of the House. The Lee's Readers shall, as to emoluments and otherwise, be on the same footing as other Senior Students, except that their emoluments are not to fall short of the minimum above specified.

XVII.—*Honorary Students.*

It shall be lawful for the Governing Body, at stated general meetings, to elect distinguished persons to Honorary Studentships within the House. Persons so elected shall be termed Honorary Students, and shall not be entitled to vote on any occasion as Students, or to receive any emolument whatever, but shall be entitled to enjoy such other privileges and advantages as the Governing Body shall by resolution from time to time determine. The conditions of eligibility to and tenure of Honorary Studentships, and the mode of election thereto, may also be determined by the Governing Body from time to time. Honorary Students shall not, in the construction of this Ordinance, be counted

among the Students of the House, nor Honorary Student- A. D. 1867.
ships among the Studentships of the House.

XVIII.—THE JUNIOR STUDENTS.

Of the Fifty-two Junior Studentships, twenty-one shall be called Westminster Junior Studentships; the remaining thirty-one are herein-after referred to as Open Junior Studentships.

Of the Open Junior Studentships, there shall be seven called the Fell Studentships, two called the Bostock Studentships, and two called respectively the Vernon¹ and the Boulter Studentships.

XIX.—*The Westminster Junior Students.*

The emoluments of the Westminster Junior Studentships shall be of such amount, not less than 115*l.* nor more than 125*l.* each per annum, as the Governing Body shall determine. An annual sum of 1,260*l.* out of the income of the lands and tenements held under the Will of Dr. Matthew Lee, together with the emoluments of the Exhibitions of the foundations of Dr. South, Dr. Frewin, and Canon Hill, shall be applied towards the maintenance of these Studentships.

The Westminster Junior Studentships shall be filled up at Westminster School on the Wednesday in Rogation Week in each year, or on such other day as the Electors shall from time to time determine, by election from those boys on the Royal Foundation of the Collegiate Church of St. Peter, Westminster, who shall have been presented as Candidates by the Head Master of the said School. The electors shall be those persons who, under the Statutes of the said Collegiate Church of Westminster, would have been entitled to elect to Studentships on the old Foundation. The Candidates shall be examined in such subjects as shall have been previously selected by the Head Master, with the approval of the Dean of the said Collegiate Church, and in such manner as the electors shall determine; and those Candidates shall be elected whom, after such examination, the electors shall deem to be of the greatest merit, and who shall desire to proceed to Christ Church, and

¹ As to the Vernon Studentship see 43 Eliz. c. 8 and last of the notes thereto (*supra*).

A. D. 1867. shall, in the judgment of the Dean of Christ Church or his duly appointed representative present at the election, be in all respects fit to be admitted Students of the House. Whenever there shall be no duly qualified Candidate for a Westminster Junior Studentship of sufficient merit for election in the judgment of the majority of the electors, and fit as aforesaid to be admitted a Student of the House, the election to such Studentship shall be postponed to the next annual election day; but if there shall then be no duly qualified Candidate of sufficient merit for election and fit as aforesaid, such Studentship shall be thrown open for that turn to general competition as an open Junior Studentship, and the election thereto shall be held at Christ Church by the same persons after public notice for the same time, and after an examination conducted in the same manner, as an ordinary election to an open Junior Studentship.

Each Westminster Junior Studentship shall be tenable until the Tuesday in Rogation Week in the seventh year from the day of election inclusive, and no longer. Any Junior Studentship which shall be filled up at Westminster School at an election postponed under the foregoing provisions shall be tenable until the Tuesday in Rogation Week in the sixth year from the day of election inclusive, and no longer. Any Westminster Junior Studentship which shall be thrown open to general competition shall be tenable until the expiration of the period for which it would have been tenable if the election thereto had not been postponed, and no longer. The Governing Body shall not be required to fill up in any one year more than three Westminster Junior Studentships (exclusive of any Studentship the election to which may have been postponed under the foregoing provisions).

XX.—*Open Junior Studentships.*

The emoluments of the Open Junior Studentships shall be not less than 75*l.* each per annum, exclusive of rooms, but inclusive of all other allowances; and may be raised if the Governing Board shall deem it expedient, and have sufficient funds at command, to 100*l.* per annum, exclusive of rooms.

The election to Open Junior Studentships, other than the Vernon Studentship, shall be held on a stated day or stated days in each year to be appointed by the Governing

Body (subject to the provision for postponement herein- A. D. 1867.

after contained); and notice of such intended election, and of the conditions of election, shall be given by the Dean, in such manner as he shall deem best adapted to ensure publicity, thirty days at least before the day of election.

The Candidates shall be examined in such subjects and manner as the Governing Body shall determine; and that Candidate shall be elected who, after such examination, shall appear to the electors to be of the greatest merit and most fit to be a Student of the House; provided that in elections to one in every three Open Junior Studentships the subjects of competitive examination shall be alternately Mathematics and Physical Science. On each vacancy occurring in the Vernon Studentship, the Patron of that Studentship shall be required to appoint an election thereto at the next ensuing election to Open Junior Studentships. The Candidates shall be examined by such persons and in such manner as the Patron shall appoint; and that Candidate shall be chosen who, after such examination, shall appear to the Patron to be of the greatest merit. If the Patron shall decline or neglect to appoint an election and examiners, thirty days previous notice at least having been given to him by the Dean, the election to the Vernon Studentship shall be held for that turn by the same person and in the same manner as to the other Open Junior Studentships. No Candidate for the Vernon Studentships or for any of the Studentships appropriated to the encouragement of Mathematics and Physical Science as aforesaid, shall be entitled to be admitted to a Studentship if in the judgment of the electors to Open Junior Studentships he shall not be in all respects fit to be a Student of the House.

No person shall be admissible as a Candidate for any Open Junior Studentship who shall have exceeded the age of nineteen years on the first day of January last preceding (except in the case of Physical Science Studentships), or who shall not have produced a certificate of baptism and testimonials of his moral character satisfactory to the Dean. Persons shall be admissible as Candidates for Physical Science Studentships who shall not have exceeded the age of twenty years on the first day of January last preceding.

Each Open Junior Studentship shall be tenable for five years from the day of election inclusive, and no longer.

Whenever there shall be no duly qualified Candidate for

A. D. 1867. a vacant Open Junior Studentship whom the electors or the Patron, as the case may be, shall judge of sufficient merit for election, and whenever an Open Junior Studentship shall fall vacant, and there shall not be time to give the notice herein-before directed before the day of election, the election shall be postponed to some other day, to be fixed by the Governing Body, or the Patron, not later than the next ensuing stated day of election to Open Junior Studentships; and every such postponed election shall be held and conducted in the same manner, and after the same previous notice, as if there had been no postponement. In the case of any Open Junior Studentship, the election to which shall have been postponed under the provisions of this Ordinance, the term of five years shall be computed from the day on which the election would have been held if there had been no postponement.

The Governing Body shall not be required to fill up more than six Open Junior Studentships in any one year, so long as the whole number of Open Junior Studentships shall be less than forty.

XXI.—*Discipline and Causes of Deprivation of Junior Students.*

Any Junior Student who shall marry, or be elected to a Senior Studentship, or to a place on the foundation of any other Collegiate Body within the University, shall thereby vacate his Studentship.

Any Junior Student may be deprived of his Studentship by the Governing Body for any misconduct which, in the judgment of the Governing Body, or the major part of them, shall merit deprivation.

Every Junior Student, and every Member of the House under the Degree of Master of Arts, shall be subject to such general regulations as to residence, discipline, and attendance on Divine Worship as may be made from time to time by the Governing Body.

XXII.—THE VISITOR.

If in any case it shall appear to the Visitor that by reason of any change in the value of money, or increase or diminution of the revenues of the House, any specific sum hereby fixed, or which may be hereafter fixed, or any

limitation of the amount of any stipend or emolument hereby fixed or which may hereafter be fixed, in exercise of any power hereby given, has become insufficient or excessive, and that such insufficiency or excess is productive of injustice or hardship, or is injurious to the general interests of the House, it shall be lawful for the Visitor, from time to time, for the purpose of correcting or obviating such injustice, hardship, or injury, to direct that such annual sum or limitation shall be increased or diminished as he shall think fit, and the increased or diminished sum or limitation shall thenceforth be substituted for and stand in the place of the sum originally fixed as aforesaid. A. D. 1867.

The Governing Body shall, as often as they may be required to do so, answer in writing touching any matter as to which the Visitor may deem it expedient to inquire, for the purpose of satisfying himself whether the Statutes in force for the time being are duly observed. The Dean and Chapter shall in like manner, and for the like purpose, be bound to answer any such inquiry as to themselves, the exercise of their Reserved Powers, and the persons and things under their control.

It shall be lawful for the Dean, or for any Canon or Senior Student, if he shall conceive himself aggrieved by any act, decision, or sentence of the Governing Body, and for any Chaplain who may deem himself aggrieved by any act or decision of the Dean or of the Dean and Chapter, and for any Junior Student or Exhibitioner who may have been deprived of his Studentship or Exhibition, to appeal against such act or decision or sentence to the Visitor; and it shall be lawful for the Visitor to adjudicate on such appeal, and to disallow or annul such act or decision, and to reverse or vary such sentence, as he shall deem just.

It shall be lawful for the Visitor, on the complaint of the Dean or of any member of the Governing Body, to disallow and annul any Byelaw which shall in his judgment be repugnant to any of the Statutes of the House in force for the time being.

As often as any question shall arise on which the Members of the Governing Body shall be unable to agree, depending wholly or in part on the construction of a Statute of the House, it shall be lawful for the Governing Body, or any three of them, to submit the same to the Visitor, and the Visitor may thereupon declare what is the true construction of such Statute with reference to the case submitted to him. Any like question which may arise between

A. D. 1867. the Governing Body and the Dean and Chapter may be in like manner submitted to the Visitor by the Governing Body or the Dean and Chapter.

XXIII.—POWER TO ALTER OR REPEAL.

It shall be lawful for Her Majesty in Council, upon the application of the Governing Body of the House, such application having been agreed to at a stated General Meeting by a majority of not less than two thirds of the votes of those present, from time to time to repeal or to alter any clause or provision herein contained, or to add new clauses or provisions: Provided that no such repeal, alteration, or addition shall extend to or affect such of the provisions herein contained as reserve any special rights or powers to the Dean and Chapter: Provided also, that notice of every proposal to apply to Her Majesty for any such repeal, alteration, or addition shall have been given at the stated General Meeting next preceding that at which such proposal may be adopted.

MISCELLANEOUS.

XXIV.—*Holford Exhibitions.*

The two consolidated Holford Exhibitions shall respectively be tenable for five years from the day of election inclusive, and no longer. The Exhibitioners shall be elected, after a competitive examination of the Candidates, from among persons educated at the Charterhouse School for two years at least last preceding the day of election, or last preceding their matriculation in the University. No person shall be entitled to preference by reason of his being an Exhibitioner or Pensioner of Sutton's Hospital. No person shall be admissible as a Candidate who shall have completed the fourth Term inclusive from the date of his matriculation. The Dean shall give thirty days notice at least of every intended election to the Head Master of the Charterhouse School, and shall also give public notice thereof for the same period. Whenever there shall be no Candidate whom the electors shall judge of sufficient merit for election, the Exhibition shall be thrown open for that turn to general competition, and the election shall be postponed to a day to be appointed by the electors, not later

than the next ensuing stated day of election to Open Junior Studentships. It shall be lawful for the Governing Body, with the consent of the Governors of the Charter-house, to increase the number of the Exhibitions, if there shall be sufficient funds for that purpose, but so that the emoluments of each Exhibition shall not fall short of 60*l.* per annum. A. D. 1867.

XXV.—*Exhibitions for Commoners.*

The Governing Body may create Exhibitions for Commoners of the House out of the moneys left for that purpose by Bishop Fell, Archbishop Boulter, and Mrs. Bostock, when those moneys shall have ceased to be required for the temporary purpose of establishing Open Junior Studentships.

XXVI.—*Bishop Wood's Estate.*

No clause or provision herein contained shall extend to or include the estate held under the Will of Bishop Wood for the benefit of the Senior Masters of the House, being Students, or any payments or allowances which may be made thereout pursuant to the said Will, except that holders of Senior Studentships shall, and holders of Junior Studentships shall not, be deemed Students of the House within the meaning of the said Will.

XXVII.—*Room-rents.*

No Student of the House, not being actually resident, shall be entitled to receive any room-rent in respect of his rooms within the House.

XXVIII.—*Certain Distinctions abolished.*

There shall be no distinctions in respect of Academical dress, designation, College charges, or College payments, among Undergraduate Members of the House, not being Junior Students nor Exhibitioners within the House.

XXIX.—TEMPORARY PROVISIONS.

The Canonry now existing, not attached either to a Professorship or to the Archdeaconry of Oxford, shall not be

A. D. 1867. filled up when it shall become vacant, and the portion of the Chapter Fund devoted to the support of this Canonry shall thereafter be at the disposal of the Governing Body. Meanwhile, the House or Collegiate Foundation shall be deemed to consist of the Dean and Seven Canons, and other Members, as provided in Clause 'I.'

Studentships of the old Foundation, when they become vacant, are not to be filled up.

The whole number of the said twenty-eight Senior and fifty-two Junior Studentships shall be completed as speedily as the amount of the funds gradually becoming available will permit. The relative rate at which the whole number of Senior and Junior Studentships shall be established shall be in the discretion of the Governing Body; provided that three Westminster Junior Studentships shall be established in every year in which the Governing Body shall have in their hands sufficient means for the purpose; and it shall be lawful for the Governing Body, in order to enable themselves to establish such three Studentships yearly, to apply to that purpose from time to time, and so long as it may be necessary, in addition to the sum of 1,260*l.* above specified, any portion of the income of the estates and funds held under the Will of Dr. M. Lee which shall not be required for carrying into effect the provisions of this Ordinance and the other regulations for the time being in force respecting the application of the said income.

The emoluments of Westminster Junior Studentships may, at the first establishment thereof, be 75*l.* each per annum, exclusive of rooms; but they shall be raised, with all convenient speed, to the minimum amount, herein-before fixed, of 115*l.* per annum, exclusive of rooms.

One Lay Senior Studentship shall be established for every two Clerical Studentships until the whole number of nine Lay Studentships shall be completed.

The emoluments of the Exhibitions of the Foundations of Bishop Fell, of Archbishop Boulter, for Commoners, and of Mrs. Bostock, may be applied towards the maintenance of the Open Junior Studentships so long as it may be necessary; but, so soon as the funds necessary for the endowment of those Studentships shall have been provided from other sources, the Governing Body may create Exhibitions for Commoners of the House out of the moneys left by Bishop Fell, Archbishop Boulter, and Mrs. Bostock for that purpose.

The power of appointing a Censor Theologiæ herein-

before given to the Dean shall not be exercised until after A.D. 1867. the next vacancy in the office of Sub-Dean.

• The Governing Body may, if they think fit, increase the emoluments of any Student on the Old Foundation who shall be a College-officer, Tutor, Reader, or Lecturer, within the House, to an amount not exceeding 300*l.* per annum, exclusive of rooms, but inclusive of all other allowances.

Nothing contained in the above provisions shall be taken to interfere with any of the emoluments heretofore enjoyed by Students on the Old Foundation.

The limitations of age above specified (Clause XX.) shall not apply to Candidates for Junior Studentships who may have matriculated before the 24th day of March 1866. Of such persons no one shall be admissible as a Candidate who on the day of election will have completed the eighth Term inclusive from the date of his matriculation. And the prohibition of distinctions in respect of dress, precedence, payments, and charges shall not apply to Undergraduate Members of the House who shall before that time have been admitted to residence.

C. T. CANTUAR.

J. T. COLERIDGE.

W. P. WOOD.

ROUNDELL PALMER.

EDWARD TWISLETON.

30^o & 31^o VICT. CAP. CII.

An Act further to amend the Laws relating to the Representation of the People in *England* and *Wales*.
[15th August 1867.]

2. This Act shall not apply to *Scotland* or *Ireland*, nor in anywise affect the Election of Members to serve in Parliament for the Universities of *Oxford* or *Cambridge*. Applica-
tion of
Act.

[Section 45 extends to London University the provisions of 24 & 25 Vict. c. 53 (*supra*).]

A. D. 1867.

30^o VICT. Cap. lxxvii.

An Act to change the Name of the *Cambridge Gas-*
light Company, to confer further Powers on the
Company, and for other Purposes.

[17th June 1867.]

[This Act, 'The *Cambridge University and Town Gas Act*,
1867,' recites 4 & 5 Will. 4. c. xxiv (*supra*), whereby
the Cambridge Gas Light Company was incorporated,
gives to the Company the new name 'The *Cambridge*
University and Town Gaslight Company,' increases its
capital and gives power of further increase and other
powers.]

Provision
as to Spi-
ritual Per-
sons being
Directors.

39. And whereas the University of *Cambridge* is largely
interested in the Execution of the Undertaking by this
Act authorized, and it is expedient that the Heads of
Colleges, Halls, and Houses, and the Bursars and Resident
Fellows of Colleges, Halls, and Houses, in that University,
be empowered to participate in the Management of the
said Undertaking, notwithstanding that they may be
Spiritual Persons: Therefore so much of any Act of Par-
liament as prohibits any Spiritual Person holding any
Cathedral Preferment, Benefice, Curacy, or Lectureship, or
who shall be licensed or allowed to perform the Duties of
any Ecclesiastical Office, from acting as a Director or
Managing Partner of any Association or Copartnership,
or from carrying on any Trade or Dealing in Person,
shall not (so far as regards the Directors named in this
Act, or any Directors or Managing Partners of the Com-
pany who may hereafter be elected or appointed,) extend
or apply to any Heads or Bursars or Resident Fellows of
Colleges, Halls, or Houses in the said University: Provided
always, that if any of the aforesaid Spiritual Persons, being
a Director or Managing Partner of the Company, shall
cease to be the Head or a Resident Fellow of any such

College, Hall, or House in the said University, he shall thereupon become disqualified and incompetent to act as a Director or Managing Partner, and shall cease to be a Director of the Company. A. D. 1867.

44. Provided always, That nothing in this Act contained shall authorize the Company to erect, make, or use any Works for the Manufacture or Storage of Gas within Three hundred Yards of the Botanic Garden at *Cambridge*, or any Public Building, Museum, Garden, Pleasure Ground, or Walks belonging to or held or occupied by the Chancellor, Masters, and Scholars of the University of *Cambridge*, without first obtaining their Consent in Writing under their Common Seal, or within Three hundred Yards of any College or Hall in the said University, or of the Precincts, Gardens, or Walks of any such College or Hall, without first obtaining the Consent in Writing of such College or Hall under their Common Seal. No works to be erected within 300 Yards of Botanic Garden or of any College or Hall, &c.

45. Nothing in this Act contained shall authorize or empower the Company, or any Person acting on their Behalf, to carry or lay any Pipe or Pipes or other Apparatus, into or against any Grounds, Buildings, or Premises belonging to the Chancellor, Masters, and Scholars of the said University, or belonging to any of the Colleges or Halls in the said University, without first obtaining the Consent in Writing of the Vice-Chancellor for the Time being of the said University, or his Deputy, under his Hand, or in case of a College or Hall without first obtaining the Consent in Writing of the Master or Keeper or Bursar for the Time being of the said College or Hall under his Hand. No Pipe to be laid in any Ground belonging to the University or any College, &c. without Consent.

[Section 62 provides for the reparation of any injury or damage done by the Company or their agents to any of the pipes or apparatus laid down by any Waterworks Owners, including in that Term as well the *Cambridge University and Town Waterworks Company* as every other Body Corporate, Politic, or Collegiate, Trustees, Commissioners, and Person owning or

A. D. 1867. having the Control of Waterworks or Water Pipes used for supplying Water within the Limits of this Act ;' and section 63 directs that notice shall be given to waterworks owners, 'or their Secretary, Clerk, Bursar, or Solicitor,' before any of their pipes are interfered with.]

Saving Rights of Cambridge University and Town Waterworks Company. 86. Except as in this Act otherwise expressly provided, nothing in this Act contained shall extend or be construed or deemed to extend to extinguish, abridge, interrupt, pre-judice, or in any Manner affect any of the Rights, Powers, Privileges, or Authorities of the *Cambridge University and Town Waterworks Company*.

General Saving. 87. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to the Chancellor, Masters, and Scholars of the said University of *Cambridge* and their Successors, the several Bodies Politic, Corporate, Collegiate, or Sole of the said University and their Successors, the Mayor, Aldermen, and Burgesses of the Borough of *Cambridge* and their Successors, and to all and every other Person and Persons whomsoever, their respective Rights, Privileges, and Franchises (except those conferred by the Act repealed by this Act) which they or any of them had and enjoyed before the passing of this Act, or could or might have had or enjoyed if the same had not been passed, anything herein contained to the contrary thereof in anywise notwithstanding.

31^o & 32^o. VICT. CAP. LXV.

A. D. 1868. An Act to amend the Law relating to the Use of Voting Papers in Elections for the Universities.

[31st July 1868.]

WHEREAS by an Act passed in the Session holden in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Fifty-three,¹ intituled *An Act to provide that Votes at Elections for the*

^{24 & 25}
 Vict. c. 53.

¹ *Supra.*

Universities may be recorded by means of Voting Papers, it A. D. 1868.
is provided that at the Elections for Burgesses to serve in
Parliament for the Universities of *Oxford, Cambridge, and*
Dublin. Votes may be given by means of Voting Papers ;
but it is by the said Act provided that no Voting Paper
shall be received or recorded unless the Person tendering
the same shall make the following Declaration, which he
shall sign at the Foot or Back thereof :

‘ I solemnly declare that I am personally acquainted with
‘ *A. B. [the Voter]*, and I verily believe that this is the Paper
‘ by which he intends to vote, pursuant to the Provisions of
‘ the Universities Election Act.’

And whereas by virtue of the Representation of the 30 & 31
Vict. c. 102.
People Act, 1867, the said first-mentioned Act applies to
every Election of a Member for the University of *London* :

And whereas it is expedient to amend the said first-men-
tioned Act so far as respects the said recited Declaration :

Be it enacted by the Queen’s most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual
and Temporal and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows :

1. From and after the passing of this Act the said recited Repeal of
Form of
Declara-
tion.
Form of Declaration shall not be required, and there shall
be substituted in place thereof the Form of Declaration
following; that is to say,

‘ I solemnly declare that I verily believe that this is the
‘ Paper by which *A. B. [the Voter]* intends to vote pursuant
‘ to the Provisions of the “ Universities Election Acts, 1861
‘ and 1868.”’

2. The Second Section of the said first-mentioned Act Amend-
ment of
Sect. 2. of
first-recited
Act.
shall, in reference to the University of *London*, be construed
as if the Words “ in the Manner heretofore used ” were
omitted therefrom.

3. A Voting Paper for the Election of any Burgess or Officers in
whose
Presence
Member to serve in Parliament for any Universities or
University in respect of which the Provisions of the said Voting
Papers
may be
signed
first-mentioned Act may for the Time being be in force,
may be signed by a Voter being in one of the Channel

A. D. 1868. Islands in the Presence of the following Officers; that is in the Channel Islands. to say,

1. In *Jersey* and *Guernsey*, of the Bailiffs or any Lieutenant Bailiff, Jurat, or Juge d'Instruction.
2. In *Alderney*, of the Judge of *Alderney* or any Jurat.
3. In *Sark*, of the Seneschal or Deputy Seneschal.

And for the Purpose of certifying and attesting the Signature of such Voting Paper, each of the said Officers shall have all the Powers of a Justice of the Peace under the first-mentioned Act, and a Statement of the official Quality of such Officer shall be a sufficient Statement of Quality in pursuance of the Provisions of the said Act.

Short Title. 4. This Act may be cited for all Purposes as "The Universities Elections Act, 1868," and the said first-mentioned Act and this Act may be cited together as "The Universities Election Acts, 1861 and 1868."

31° & 32° VICT. CAP. LXXII.

An Act to amend the Law relating to Promissory Oaths. [31st July 1868.]

[This Act, 'The Promissory Oaths Acts, 1868', prescribes a new form of the Oath of Allegiance, to be taken by certain persons, specified in the Schedule or described in section 14. It also prescribes a form of Official Oath to be taken by each of the persons specified in the First Part of the Schedule, and a form of Judicial Oath to be taken by each of the persons specified in the Second Part.]

Prohibition of Oath of Allegiance except in accordance with Act.

9. No Person shall be required or authorized to take the Oaths of Allegiance, Supremacy, and Abjuration, or any of such Oaths, or any Oath substituted for such Oaths, or any of them, or to make any Declaration to the like Effect of such Oaths, or any, of them, except the Persons required to take the Oath of Allegiance by this Act and the Clerical Subscription Act, 1865,¹ and the Parliamentary

¹ 28 & 29 Vict. c. 122.

Oaths Act,¹ 1866, or One of such Acts, any Act of Parliament, Charter, or Custom to the contrary notwithstanding²; . . .

12. The following Regulations shall be enacted with respect to the Substitution of Declarations for Oaths; (that is to say,)

Regulations as to Substitution of Declarations for Oaths.

3. Where before the passing of this Act an Oath was required to be taken on or as a Condition of Admission to Membership or Fellowship or Participation in the Privileges of any Guild, Body Corporate, Society, or Company, a Declaration to the like Effect of such Oath shall be substituted; provided that if any Two or more of the Members of such Guild, Body Corporate, Society, or Company, with the Concurrence of the Majority of the Members present and voting at a Meeting specially summoned for the Purpose, object to any Statement contained in such Declaration on the ground of its relating to Duties which by reason of Change of Circumstances have become obsolete, they may appeal to One of Her Majesty's Principal Secretaries of State to omit such Statement, and the Decision of such Secretary of State shall be final:
4. Where in any Case not otherwise provided for by this Act or included within the Saving Clauses thereof an Oath is required to be taken by any Person on or as a Condition of his accepting any Employment or Office, a Declaration shall be substituted for such Oath to the like Effect in all respects as such Oath:

¹ 29 & 30 Vict. c. 19.

² There is no part of this Act by which any person is required or authorized to take the Oath of Allegiance on admission to any degree or office in either of the Universities, or to any office, employment, or emolument in any College or Hall.

A. D. 1868.

5. The making a Declaration in pursuance of this Section instead of Oath shall in all respects have the same Effect as the taking the Oath for which such Declaration is substituted would have had if this Act had not passed.

Saving of Powers of Alteration hitherto exercised.

15. Where a Declaration has been substituted for an Oath under this Act, any Person, Guild, Body Corporate, or Society which before the passing of this Act had Power to alter such Oath, or to substitute another Oath in its Place, may exercise a like Power with regard to such Declaration.

General Saving as to Matters herein stated.

16. Where previously to the passing of this Act the taking of any Oath formed a Condition precedent or subsequent to the Attainment by any Person of any Office, Privilege, Exemption, or other Benefit, and such Person is by this Act prevented from fulfilling such Condition, he shall nevertheless, on complying with the other Conditions, if any, attached to the Attainment of such Office, Privilege, Exemption, or other Benefit, be entitled thereto in the same Manner as if the Condition relating to such Oath, and any Directions as to the Certificate or Registration of the taking of such Oath, or otherwise, had been fulfilled and performed.

31^o & 32^o VICT. CAP. LXXXIX.

An Act to alter certain Provisions in the Acts for the Commutation of Tithes, the Copyhold Acts, and the Acts for the Inclosure, Exchange, and Improvement of Land; and to make Provision* towards defraying the Expense of the Copyhold, Inclosure, and Tithe Office. [31st July 1868.]

Valuations to be stamped.

2. In all Cases of Exchanges, Partitions, or Divisions of intermixed Lands proposed* to be effected under the said Acts,¹ the Commissioners shall not proceed to carry the

¹ The Acts referred to are those mentioned in the title to this Act.

same into effect unless the Valuations required to be furnished to them shall be duly stamped with a Stamp, as required by the Acts in force for the Time being for levying Stamp Duties on Appraisements; and all Valuations attached to the Reports of any University or College Surveyor, made for the Purpose of Transactions to which the Consent of the Commissioners is required, under the Universities and College Estates Acts, shall in like Manner be stamped before the Commissioners shall issue their Order authorizing such Transaction.¹

31° & 32° VICT. CAP. CXIV.

An Act to amend the Law relating to the Ecclesiastical Commissioners for *England*.

[31st July 1868.]

[This Act, 'The Ecclesiastical Commission Act, 1868', gives powers to the Ecclesiastical Commissioners to make schemes dealing with the property of Deans and Chapters.]

12. Where in pursuance of the Seventy-third Section of the Act of the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen,² and of any Act amending the same, any Scheme has, before or after the passing of this Act, been prepared, transferring or purporting to transfer to any Ecclesiastical Corporation, whether aggregate or sole, or to any Person or Persons, any Advowson or other Estate or Interest in Real or Personal Property, such Scheme, if and when the same has been ratified by Order in Council, shall, without any Deed, Conveyance, or Act in the Law, be effectual for vesting in such Corporation, Person or Persons, any such Advowson or other Interest in Real or Personal Property, and for enabling such Corporation, Person or Persons, to hold the same upon the Trusts and

Amend-
ment of
Law relat-
ing to
Schemes
for securing
the better
Perform-
ance of
Clerical
Duties in
ill endowed
Parishes.

¹ See 21 & 22 Vict. c. 44. s. 2 (*supra*).

² *Supra*.

A. D. 1868. according to the Tenor of such Scheme, any Law or Statute to the contrary notwithstanding.

Exemption.

14. Nothing in this Act contained shall affect or apply to the Cathedral or Collegiate Church of *Manchester*, or to "The Parish of *Manchester* Division Act, 1850;" and nothing in this Act contained, except Section Twelve, shall affect or apply to the Cathedral Church of *Christ, Oxford*.

31° & 32° VICT. CAP. CXVIII.

An Act to make further Provision for the good Government and Extension of certain Public Schools in *England*. [31st July 1868.]

WHEREAS the Commissioners appointed under a Commission issued in the Year One thousand eight hundred and sixty-one have made their Report, and thereby recommended various Changes in the Government, Management, and Studies of the Schools herein-after mentioned, with a view to promote their greater Efficiency, and to carry into effect the main Objects of the Founders thereof; but such Changes cannot be carried into effect without the Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title. 1. This Act may be cited for all Purposes as the "Public Schools Act, 1868."

"School." 2. "School" includes, in the Case of *Eton* and *Winchester*, *Eton College* and *Winchester College*.

Definition of "Existing Governing Body." 3. "Existing Governing Body" of a School shall for the Purposes of this Act mean—

(1.) At *Eton*, the Provost and Fellows:

(2.) At *Winchester*, the Warden and Fellows:

(3.) At *Westminster*, the Dean and Chapter of *Westminster*, the Dean of *Christ Church, Oxford*, and the Master of *Trinity College, Cambridge* :

(4.) At *Charterhouse*, the Governors :

(5.) At *Harrow*, the Governors :

(6.) At *Rugby*, the Trustees :

(7.) At *Shrewsbury*, the Trustees :

“New Governing Body of a School” shall for the Purposes of this Act mean a Governing Body the Constitution of which has been altered in pursuance of this Act, or, if no such Alteration shall have been made, the Governing Body which shall be in existence at the End of the Time assigned by this Act for making such Alteration, or a Body which has been established under this Act as the new Governing Body of a School. “New Governing Body.”

4. Boys on the Foundation shall for the Purposes of this Act mean— Definition of “Boys on the Foundation.”

(1.) At *Eton*, the King’s Scholars or Scholars belonging to the College of *Eton* :

(2.) At *Winchester*, the Scholars belonging to the College of *St. Mary, Winchester* :

(3.) At *Westminster*, the Queen’s Scholars :

(4.) At *Charterhouse*, the Foundation Scholars or Boys nominated by the Governors, and entitled to receive gratuitous Education :

(5.) At *Harrow*, the Boys entitled to Education wholly or partially gratuitous :

(6.) At *Rugby*, the Boys entitled to Education wholly or partially gratuitous by reason of their being Sons of Residents in *Rugby* or within a certain Distance of *Rugby* :

(7.) At *Shrewsbury*, the Boys entitled to Education wholly or partially gratuitous by reason of their being Sons of Burgesses.

Statutes by Governing Bodies.

5. The existing Governing Body of each of the Schools to which this Act applies may at any Time before the First Power to Governing Bodies of

A. D. 1868.
Schools to
which this
Act applies
to alter
their Con-
stitutions.

Day of *May* One thousand eight hundred and sixty-nine, or within such further Time as may be determined by Her Majesty in Council as hereinafter mentioned, make a Statute or Statutes for determining and establishing the Constitution of the Governing Body of each of such Schools in such Manner as may be deemed expedient; with Power in the Case of *Westminster* to establish a Governing Body for the School, including Boys whether on the Foundation or not, either wholly or partially distinct from the Dean and Chapter of *Westminster*¹; but from and after the said First Day of *May* One thousand eight hundred and sixty-nine, or such further Time as aforesaid, all Powers of making Statutes vested by this Section in the Governing Body of a School shall pass to the Special Commissioners herein-after mentioned. Any Governing Body established for *Westminster School* shall be a Body Corporate, with a perpetual Succession and a Common Seal (with Power to hold Lands for the Purposes of the School without Licence of Mortmain),² and subject to the Provisions of this Act shall, as to leasing their Land, have the same Powers and be subject to the same Disabilities as may be possessed by or attached to the Dean and Chapter of *Westminster* in respect of Lands in their Possession.

Governing
Bodies of
Schools to
which this
Act applies
to make
Statutes
with re-
spect to
Matters
herein
named.

6. Subject to the Restrictions herein-after mentioned, the new Governing Body of every School to which this Act applies may at any Time before the First Day of *January* One thousand eight hundred and seventy, or within such further Time as may be determined by Her Majesty in Council as herein-after mentioned, make Statutes with respect to all or any of the following Matters:

- (1.) With respect to the Boys on the Foundation, to remove, wholly or partially, local or other Restrictions on the Class of Boys entitled to become Boys on the Foundation, to make Admission on the Founda-

¹ The power here conferred in the case of *Westminster* was extended to the other Public Schools by 32 & 33 Vict. c. 58. s. 1 (*infra*).

² See as to the incorporation of the governing bodies established for the other Public Schools 32 & 33 Vict. c. 58. s. 2 (*infra*).

tion wholly or partially dependent on Proficiency A. D. 1868.
in a competitive or other Examination, and to define the Age for the Admission of a Boy on the Foundation, and the Age at which he may be required to leave the School :

- (2.) With respect to the Privileges and Number of Boys on the Foundation, to abridge or extend such Number and Privileges whenever, from Change of Circumstances, it seems expedient to abridge or extend them :
- (3.) With respect to the Privileges and Number of Boys who under any Statute or Benefaction may be entitled to any Rights to Education or Maintenance :
- (4.) With respect to Scholarships, Exhibitions, or other Emoluments, either tenable at the School, or tenable after quitting the School by Boys educated thereat, to do all or any of the following Things ; that is to say,
 - a. To consolidate any Two or more of such Emoluments ; to divide any single Emolument into Two or more ; to convert any Scholarship or Exhibition tenable at the School into a Prize or Prizes ; to remove any Restrictions on the Election or Appointment to such Emoluments ; to open to general or limited Competition within the School Emoluments now conferred otherwise than by competitive Examination ; and to define or vary the Subjects of Examination for any Emolument ; provided that the foregoing Powers shall not extend to any Emolument created within Fifty Years before the passing of this Act ; and,
 - b. To convert Emoluments attached to any particular College at *Oxford* or *Cambridge*, but not payable out of Funds held by such College, into Emoluments tenable at any College or Hall at either University, or otherwise by any Member of such University :

- A. D. 1868. (5.) With respect to the Mode and Conditions of Appointment to any Ecclesiastical Benefice the Patronage of which is vested in the Governing Body as such, or to which Persons educated at or connected with the School have an exclusive or preferential Claim :
- (6.) With respect to the Number, Position, Rank in the School, and Salaries and Emoluments of Masters who may receive any Salary or Emolument out of Property belonging to or held in trust for the School, with Power to abolish any such Mastership other than the Head Mastership, and to remove any Conditions as to Marriage, Education at a particular Place, or otherwise, attaching to any Candidates for such Mastership :
- (7.) With respect to the Disposal of the Income of the Property of the School, either for the Purpose of improving or enlarging the existing Establishment or of founding Exhibitions or Scholarships tenable at the School or elsewhere, or of establishing any subordinate or other Schools in connexion therewith, with Power in the Case of *Eton* and *Winchester* Colleges to regulate the future Income and all other Emoluments of the future Provost and Fellows and the future Warden and Fellows respectively, and to determine the Number of such Fellows, and the Emoluments and Advantages to be hereafter enjoyed by all the Members of each of those Foundations, or by those now entitled to any Payment thereout :
- (8.) With respect to any Office not heretofore mentioned the Salary of which is payable out of Property belonging to or held in trust for the School.
7. The new Governing Body of any School to which this Act applies may, by Statute made in manner herein provided, consolidate and amend any existing Statutes or Regulations relating to such School, whether in force by Act of Parliament, Charter, Judicial Decree, Instrument of Endowment, or otherwise, with Power to repeal any

Power to
Governing
Bodies to
consolidate
and amend
existing
Statutes
and Regu-
lations.

Statute or Regulation that has in the Opinion of that Body A. D. 1868.
become obsolete, or has become incapable of Observance
by reason of Changes authorized to be made under this Act.

8. The following Restrictions shall be imposed on any Restriction
Governing Body of a School making Statutes under making
this Act: Statutes as
herein
stated.

(1.) Where Two or more Schools are interested in any
Scholarship, Exhibition, or Emolument, a Statute
made by the Governing Body of One School shall
not affect the Interest of any other School, except
with the Consent of a Majority of the Governors,
Trustees, or other Governing Body of the last-
mentioned School:

(2.) Where any Statute proposed to be made by any
Governing Body of a School affects any Scholar-
ship, Exhibition, or Emolument attached to any
College in either of the Universities of *Oxford* and
Cambridge, Notice in Writing of such intended
Statute shall be given to the Head of such College
Two Months at least before such Statute is sub-
mitted to the Special Commissioners as herein-after
mentioned:

(3.) Where any Statute proposed to be made by any
Governing Body of a School affects the Interests
of any Person or Class of Persons deriving Benefit
under the Institutions in force with respect to the
same, a Copy of such proposed Statute shall be
deposited in some convenient Place for public In-
spection in the Locality in which such School is
situated; and Notice of such Copy having been so
deposited shall be given in some Newspaper cir-
culating in such locality Two Months at the least
before such Statute is submitted to the Special
Commissioners; and the said Governing Body
shall hear all Objections which such Person or
Class of Persons may be desirous of urging against
the same:

(4.) No Statute made by any Governing Body of a

A. D. 1868.

School under this Act shall be of any Validity until the same has been approved by Her Majesty in Council as herein-after mentioned, but when so approved all the Requisitions of this Act in respect thereto shall be deemed to have been duly complied with, and the Statute shall be of the same Force as if it had been contained in this Act, subject nevertheless to the Power of Alteration or Repeal herein-after conferred.

All Statutes to be laid before the Queen in Council.

9. All Statutes made by any Governing Body of a School under the Powers herein contained shall be submitted to the Special Commissioners herein-after appointed, and, if approved by them, be laid before Her Majesty in Council, and be forthwith published in the *London Gazette*; and it shall be lawful for the Trustees of any Scholarship, Exhibition, or Emolument to which such Statute may relate, or for any Person or Body Corporate directly affected thereby, within Two Months after such Publication in the *London Gazette*, to petition Her Majesty in Council, praying Her Majesty to withhold Her Approval from the whole or any Part of such Statute. The Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members at the least of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Any Petition not proceeded with in accordance with the Regulations made with respect to Petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

Her Majesty in Council may approve or disapprove Statutes.

10. It shall be lawful for Her Majesty in Council to signify Her Approval or Disapproval of any Statute or Part of a Statute made by any Governing Body of a School in pursuance of this Act at the Times following; that is to say, where a Petition has been presented against such Statute at any Time after the Hearing or Withdrawal of

A. D. 1868.

such Petition, and where no such Petition has been presented at any Time after the Expiration of the Time limited by this Act for the Presentation of a Petition. If Her Majesty signify Her Disapproval of any Statute, or any Part thereof, the Governing Body of the School which framed the Statute may frame another Statute in that Behalf, subject to the same Conditions as to the Approval of the Special Commissioners and of Her Majesty in Council as are imposed by this Act in relation to the making of original Statutes by any Governing Body of a School, and so on from Time to Time as often as Occasion requires, so that such Statutes are made, in the Case of the existing Governing Body of a School, before the First Day of *January* One thousand eight hundred and sixty-nine, or within such further Time as Her Majesty may by Order in Council appoint in manner herein-after mentioned, and, in the Case of the new Governing Body of a School, before the said First Day of *January* One thousand eight hundred and seventy, or within such further Time as Her Majesty may by Order in Council appoint in manner hereint-after mentioned.¹

11. Any Statute made in exercise of the Powers of this Act may, at any Time or Times after the Expiration of the Powers by this Act conferred on the Special Commissioners, be repealed or altered by the Governing Body for the Time being in the same Manner and subject to the same Provisions, with the Exception of those requiring such Statutes to be submitted to and approved by the Special Commissioners, in and subject to which Statutes may be made by the Governing Body.

As to
Repeal or
Alteration
of Statutes
made in
exercise of
Powers of
this Act.

Regulations by Governing Bodies.

12. It shall be lawful for the new Governing Body of every School to which this Act applies, notwithstanding

General
Power of
Governing

¹ The powers conferred on new governing bodies were continued by 33 & 34 Vict. c. 84. s. 2 (*infra*) till the 31st of July, 1871; by 34 & 35 Vict. c. 60. s. 2 (*infra*) till the 25th of August, 1870, and by 35 & 36 Vict. c. 54. s. 2 (*infra*) till the 25th of August, 1873, with power of further continuance by Order in Council till the 25th of February, 1874.

A. D. 1868. anything contained in any existing Act of Parliament, Charter, Statute, Decree, Instrument of Foundation, or Endowment or other Instrument, and notwithstanding any Custom, from Time to Time to make, alter, or annul such Regulations as they may deem it expedient to make, alter, or annul with respect to any of the following Matters :

Body to
make, alter,
or annul
Regula-
tions.

- (1.) With respect to the Number of Boys, other than Boys on the Foundation, in the School, their Ages, and the Conditions of Admission to the School :
- (2.) With respect to the Mode in which the Boys, whether on the Foundation or not, are to be boarded and lodged, and the Conditions on which Leave to keep a Boarding House should be given :
- (3.) With respect to the Payments to be made for the Maintenance and Education of the Boys, other than Boys on the Foundation, including Fees and Charges of all Kinds, and to Payments by Boys on the Foundation in respect of anything which they are not entitled to receive gratuitously ; and with respect to the Application of the Monies to be derived from those Sources, and of Monies paid out of the Income of the Foundation on account of the Instruction of Boys on the Foundation :
- (4.) With respect to Attendance at Divine Service, and, where the School has a Chapel of its own, with respect to the Chapel Services and the Appointment of Preachers :
- (5.) With respect to the Times and Length of the ordinary Holidays :
- (6.) With respect to the sanitary Condition of the School and of the Premises connected therewith :
- (7.) With respect to the Introduction of new Branches of Study, and the Suppression of old ones, and the relative Importance to be assigned to each Branch of Study :
- (8.) With respect to the Number, Position, and Rank in the School, and Salaries and Emoluments, of the Masters, in so far as such Masters are not affected

by any Statute made in accordance with the Provisions herein-before contained: A. D. 1868.

- (9.) With respect to giving Facilities for the Education of Boys whose Parents or Guardians wish to withdraw them from the Religious Instruction given in the School:
- (10.) With respect to giving Facilities for Boys other than Boarders to attend at the School, and participate in the educational Advantages thereof:
- (11.) With respect to the Powers committed to the Head Master:

Provided that the Charges made for the Maintenance and Education of the Boys shall be kept distinct Provided that the new Governing Body, in all Cases where the Head Master is not a Member of the Body making the Regulations, shall, before making any such Regulations, consult the Head Master in such a Manner as to give him full Opportunity for the Expression of his Views: Provided that it shall be lawful for the Head Master from Time to Time to submit Proposals for making, altering, or annulling any such Regulations, or any other Matter affecting the Condition of the School, to the Governing Body, who shall proceed to consider, and, if they think fit, adopt the same.

Masters.

13. The Head Master of every School to which this Act applies shall be appointed by and hold his Office at the Pleasure of the new Governing Body. All other Masters shall be appointed by and hold their Offices at the Pleasure of the Head Master. No Candidate for any Mastership shall be entitled to Preference by reason of his having been a Scholar of or educated at the School of which he desires to be Master. Appointment of Masters.

[Section 14 relates exclusively to Harrow, Rugby, and Shrewsbury Schools.]

Special Commissioners.

15. The several Persons herein-after named, (that is to Appointment of

A. D. 1868. say,) the Most Reverend Father in God *William Lord*
 Commis- Archbishop of *York*, the Most Noble *Robert Arthur*
 sioners. *Talbot Gascoigne-Cecil* Marquis of *Salisbury*, the Right
 Honourable *Russell Gurney*, Recorder of the City of
London, Sir *John Lubbock* Baronet, Sir *John George*
Shaw Lefevre, Knight Commander of the Bath, *John*
Duke Coleridge Esquire, One of Her Majesty's Counsel,
Charles Stuart Parker Esquire, shall be Special Com-
 missioners for the Purposes of this Act, and shall have
 a Common Seal, and Three of the said Commissioners
 shall be a Quorum.

Duration of Powers of Commissioners. 16. The Powers conferred on the Special Commissioners by this Act shall be in force until the First Day of *January* One thousand eight hundred and seventy-one, and it shall be lawful for Her Majesty, if She think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and seventy-two.¹

Vacancy in Number of Commissioners. 17. If any Vacancy occurs in the Number of the Special Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may, by Instrument under Her Sign Manual, fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c. 18. In the Exercise of the Authorities vested by this Act in the Special Commissioners they shall have Power to require from any Officer of any School to which this Act applies the Production of any Documents or Accounts relating to such School, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof.

Powers of Special Commissioners. 19. On and after the First Day of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty as herein-after mentioned, all such Powers of making Statutes, of making Regulations, and of making and proposing Schemes, as are by this Act vested in any Governing Body of any School to which this Act applies, shall pass to and vest in the Special Commis-

¹ For successive extensions of the period for which the powers of the Special Commissioners were to be in force see (*infra*) 33 & 34 Vict. c. 84. s. 3, 34 & 35 Vict. c. 66. s. 4, and 35 & 36 Vict. c. 54. s. 3.

sioners appointed under this Act¹ (subject, nevertheless, in the Case of a Statute affecting any Scholarship, Exhibition, or Emolument in any School other than that for which the Statute is made, to the Restrictions by this Act imposed on the Governing Body in making a like Statute); and the Special Commissioners may exercise such Powers in respect of all Matters in which any Governing Body may have failed to exercise the same in a Manner approved by the Special Commissioners.

The Commissioners shall, in the Case of a Regulation, Two Months at the least before finally making the same, and, in the Case of a Statute or Scheme, Two Months at the least before laying the same before Her Majesty in Council, serve a Copy of such Regulation, Statute, or Scheme on the Governing Body of the School to which it relates, (and if it be a Statute affecting any Scholarship, Exhibition, or Emolument attached to any College in either of the Universities on the Head of such College,) and hear all Objections that such Governing Body or College may be desirous of urging against the same.

Any Regulation made by the Special Commissioners, unless an express Power of altering the same is vested in the Governing Body, shall be deemed to be in the Nature of a Statute, and be alterable only in manner in which Statutes are capable of being altered in pursuance of this Act; but, except in so far as relates to Regulations made by the Commissioners, and except during such Time as the Powers of the Special Commissioners under this Section remain in force, the Power of the new Governing Body of the School to make, alter, or annul Regulations shall remain unaffected by the Power hereby given to the Commissioners of making the same.

Any Statute or Scheme made by the Special Commissioners in pursuance of this Act shall be subject to the Provisions herein-before contained as to the same being

¹ For successive postponements of the date at which the powers of the governing bodies were to pass to the Special Commissioners see (*infra*) 33 & 34 Vict. c. 84. s. 2, 34 & 5 Vict. c. 60. s. 2, and 35 & 36 Vict. c. 54. s. 2.

A. D. 1868. laid before Her Majesty in Council, and as to the Approval or Disapproval of Her Majesty, and as to its subsequent Repeal or Alteration, with the Consent of Her Majesty in Council, as if it were a Statute made by the Governing Body of the School which had been approved by the Special Commissioners, with this Addition, that the Approval or Disapproval of Her Majesty to any such Statute or Scheme as last aforesaid shall not be signified until such Statute or Scheme has been laid before both Houses of Parliament for a Period of not less than Forty Days.

Miscellaneous.

Provisions
to West-
minster
School.

20. The following Provisions shall be made with respect to *Westminster School*; that is to say,

- (1.) There shall be paid to the Governing Body of *Westminster School* for the Time being by the Ecclesiastical Commissioners for the Support of the School an annual Sum of not less than Three thousand five hundred Pounds, and a Capital Sum of Fifteen thousand Pounds:
- (2.) The annual Sum of Three thousand five hundred Pounds shall be paid by equal half-yearly Payments on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, the first half-yearly Payment to be made on the Twenty-fifth Day of *March* next after the passing of this Act, and the said Capital Sum of Fifteen thousand Pounds on the Twenty-ninth Day of *September* next:
- (3.) The Ecclesiastical Commissioners shall take Steps as soon as they can conveniently for transferring to and vesting in the Governing Body for the Time being of *Westminster School* and their Successors in Fee Simple, for the Support of the School, such a Portion of the Estates then vested in the Commissioners as may be adequate to produce an annual Income of not less than Three thousand five hundred Pounds after deducting all Expenses of Management:

- (4.) Upon such Transfer as aforesaid being effected the A. D. 1868. Payment of the said annual Sum of Three thousand five hundred Pounds by the Ecclesiastical Commissioners shall cease :
- (5.) The said Capital Sum of Fifteen thousand Pounds shall be invested by the Governing Body of the School in Three Pound *per Centum* Bank Annuities, and shall be applied in manner herein-after mentioned :
- (6.) From and after the passing of this Act, there shall vest in the Governing Body for the Time being of *Westminster School*, for the Use of the School, the Playground in *Vincent Square*, with the Lodge on such Playground, the Dormitory with its Appurtenances, the School and Class Rooms, the Houses and Premises of the Head Master and Under Master, the Three Boarding Houses, and the Gymnasium, excepting the Crypts :
- (7.) All the said Buildings shall be held by the said Governing Body for the Use of the School, and it shall be incumbent on the said Governing Body to keep as an open Space for the Recreation of the Boys, and for no other Purpose, the said Playground in *Vincent Square* :
- (8.) The Hall and the Playground in *Dean's Yard* shall continue to be used in the same Manner as heretofore by the Scholars of *Westminster School* :
- (9.) The Dean and Chapter of *Westminster* shall transfer to and vest in the Governing Body of *Westminster School* in Fee Simple the Houses following, on the request of such Governing Body, at such Times and upon Payment of such Sums as are herein-after mentioned ; that is to say,

First. The House in *Great Dean's Yard* now occupied by the Rector Canon of *Saint John the Evangelist* on the next Avoidance of the said Canonry, and on Payment of the Sum of

A D. 1868.

Four thousand Pounds to the Ecclesiastical Commissioners:

Second. The House now occupied by the Sub-Dean on the next Avoidance of the Canonry held by the said Sub-Dean, and on Payment to the said Commissioners of the like Sum of Four thousand Pounds:

Third. The House now occupied by Mr. *Turle* on the next Vacancy in the Office of Organist of the Collegiate Church, *Westminster*, and on Payment to the said Commissioners of the Sum of Two thousand Pounds: • •

(10.) The Governing Body of the School shall be at liberty to make the foregoing Payments of Four thousand Pounds, Four thousand Pounds, and Two thousand Pounds, or such of them as may be required, out of the said Sum of Fifteen thousand Pounds, and may apply the Residue of the said Sum in erecting new Buildings or improving old Buildings, or otherwise in making Improvements in or about the Property of the School, and they may apply the Income arising from any Securities on which the said Sum of Fifteen thousand Pounds may for the Time being be invested in the same Manner in which the Residue of their Income is applicable:

(11.) The Monies paid to the Ecclesiastical Commissioners in respect of the said Canonry Houses, or either of them, shall be held by the said Commissioners on trust for the Dean and Chapter of *Westminster*, to be expended in building on the College Gardens, according to Plans to be approved by the Dean of *Westminster* for the Time being, Houses or a House equivalent to the Houses or House in respect of which such Payments may be made; and in the meantime the Ecclesiastical Commissioners shall allow, and pay to the Canon or Canons who would have been entitled to the

Occupation of such House or Houses if the same A. D. 1868. had not been so taken for the Purposes of *Westminster School* Interest after the Rate of Three Pounds *per Centum per Annum* on such Monies or the Balances thereof from Time to Time remaining in the Commissioners Hands:

- (12.) The Monies paid to the Ecclesiastical Commissioners in respect of the House now occupied by Mr. *Turle*, the Organist of the Collegiate Church of *Westminster*, shall be held by the Commissioners in trust for the Dean and Chapter of *Westminster*, who shall be entitled to Interest thereon after the like Rate of Three Pounds *per Centum per Annum* until such Capital Monies and all Balances thereof shall have been expended by the Dean and Chapter in providing another Residence for the Organist of their Church:
- (13.) If the Dean and Chapter of *Westminster* and the Governing Body for the time being of *Westminster School* agree that it would be for the Benefit of the School that any Premises not herein-before mentioned, and being at the Time of such Agreement Part of the Property of the Dean and Chapter, should become the Property of the School, the Dean and Chapter may convey the same to the School at a Price to be agreed upon or to be settled by an Arbitrator to be appointed by the President for the Time being of Her Majesty's Most Honourable Privy Council:
- (14.) Any Transfers of Lands which in pursuance of this Act may be made by the Ecclesiastical Commissioners to the Governing Body of *Westminster School* may be effected under the Provisions of a Scheme prepared by the Ecclesiastical Commissioners, and approved and ratified by Order of Her Majesty in Council, and published in the *London Gazette*, and such Scheme shall be effectual for transferring to and vesting in the Governing

A. D. 1868.

Body of the School all Estates and Interests which it purports to transfer without any Conveyance, Assurance, or Act in the Law :

(15.) In consideration of the above-mentioned Payments of Three thousand five hundred Pounds *per Annum* and of Fifteen thousand Pounds, all annual or other Sums of Money which if this Act had not been passed would have been paid to *Westminster School* by the said Dean and Chapter after the Twenty-ninth Day of *September* next shall belong and be paid to the Ecclesiastical Commissioners for *England* :

(16.) In the event of *Westminster School* being removed beyond the City of *Westminster*, all the Property and Income derived by the School from the Ecclesiastical Commissioners, or the Dean and Chapter of *Westminster*, or their Estates, shall revert to and become vested in the Ecclesiastical Commissioners.

Scheme for
Buildings.

21. The new Governing Body of any of the Schools to which this Act applies may at any Time before the First Day of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty in Council as herein-after mentioned, submit to the Special Commissioners, and, if approved of by them, may lay a Scheme before Her Majesty in Council for making any Additions to or Alterations in the Buildings of the School, and for raising Monies for that Purpose by Mortgage of any Property belonging to or held in trust for the School, with Power to suspend any Scholarships or Exhibitions payable out of such Property; they may also in any such Scheme make Provisions for exchanging any Lands belonging to such School for other Lands, and for purchasing any Land that may be required for making such Additions or Alterations as aforesaid; and every such Scheme shall be subject to the same Provisions, and if approved shall take effect and be subject to Alteration, in the same Manner as Statutes made by a Governing Body.

[Section 22 relates exclusively to Shrewsbury School.] A. D. 1868.

23. The Ecclesiastical Commissioners for *England* shall lay before Her Majesty in Council such Scheme as may appear to the said Commissioners to be best adapted for relieving the Provost of *Eton* from the Spiritual Charge of the Parish of *Eton*, and constituting the same a distinct Vicarage in the Gift of the Provost and Fellows of *Eton*, with an Endowment out of the Revenues of *Eton College* of an annual Sum to an Amount, as soon as such Revenues may be able to defray the Charge, of Six hundred Pounds, or, in case the Vicar is provided with a Residence at the Expense of the College, such less Sum as the said Commissioners shall judge sufficient; and any such Scheme, when approved of by Her Majesty in Council, shall be of the same Force as if it had been contained in this Act.¹

24. The new Governing Body of *Eton* may, at any Time before the First Day of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty in Council, as in this Act mentioned, submit to the Special Commissioners, and, if approved of by them, lay a Scheme or Schemes before Her Majesty in Council, for dealing with the Estates of *Eton College* in such Manner as to bring the whole of them, so soon as it may be thought expedient, into a System of being let at Rack-rent instead of being let on Leases renewable on Payment of Fines; and the said Governing Body may in such Scheme or Schemes provide for raising by Mortgage of the College Estates, or any of them, such Sums as may be sufficient for securing to the existing Members of the College the estimated Amount of Income, calculated on the Average of the preceding Seven Years, that would have accrued to them if the Estates comprised in the Scheme had been let in the usual Way; and any such Scheme or Schemes may extend to the whole or to

Scheme for constituting Parish of *Eton* a distinct Vicarage.

Power of *Eton College* to make a Scheme for running out their Leases.

¹ A scheme made by the Ecclesiastical Commissioners carrying into effect the provisions of this section and of s. 31 (*infra*) was confirmed by Order in Council the 4th, and gazetted the 5th of February, 1875, from which latter date it came into operation.

A. D. 1868. a Portion only of the said College Estates ; and the Monies to be raised by Mortgage may include the Amount of all Expenses that may properly be incurred by the College in carrying such Scheme or Schemes into effect ; and it may be provided in such Scheme or Schemes that the Amount of Monies to be raised by Mortgage, and the Amount of Expenses to be allowed, and generally that the working of any such Scheme in such Matters as cannot be specifically regulated by the Scheme, shall be subject to the Control of such Department of the Government, or of Persons appointed by a Department of the Government, as may seem good to the said Special Commissioners.¹

The new Governing Body of *Winchester* may also in like Manner submit to the Special Commissioners and, if approved of by them, lay a Scheme or Schemes before Her Majesty in Council for running out the Leases on Property belonging to such College.

General
Provision
as to
Schemes.

25. Any Scheme authorized to be made under this Act may contain all Powers and Provisions that may be thought expedient for carrying into effect its Objects ; and where any Scheme authorizes the Purchase or Acquisition of any Lands, there shall be deemed to be incorporated with such Scheme "The Lands Clauses Consolidation Act, 1845," with the Exception of the Provisions relating to the Purchase of Lands otherwise than by Agreement, and of the Provisions relating to Entry upon Land, to intersected Lands, and to the Recovery of Forfeitures, Penalties, and Costs, and of the Provisions relating to Access to the Special Act.

[Section 26 relates exclusively to Shrewsbury School.]

Not to
affect cer-
tain Rights
of Parties
interested
as herein
stated.

27. Nothing contained in this Act, or done in pursuance of the Powers thereby conferred, shall, as respects any Schools to which this Act applies, affect—

(1.) Any Boy being at the Time of the passing of this Act on the Foundation of any of the said Schools,

¹ The powers conferred by this section were extended by 35 and 36 Vict. c. 54, and, as regards Eton College, by 36 & 37 Vict. c. 62 (*infra*).

so far as respects his Interest in such Foundation A. D. 1868.
during his Continuance at School:

- (2.) The Tenure by any Person of any Scholarship, Exhibition, or other like Emolument held by him at the Time of the passing of this Act, and not forming Part of the Interest of a Boy on the Foundation herein-before mentioned:
- (3.) The vested Interests of any Master in any of the said Schools appointed to his Office before the passing of the Public Schools Act, 1864, unless a due Equivalent be made in respect thereof:
- (4.) The pecuniary Interest belonging to or capable of being enjoyed by any Member of the Governing Bodies of the said Schools who may have been appointed to his Office before the passing of the said Public Schools Act, 1864, unless a due Equivalent be made in respect thereof:
- (5.) The Status as a Member of any Person who may have been appointed a Member of the Collegiate Bodies of *Eton* or *Winchester* before the passing of the said Public Schools Act of 1864:

And nothing contained in this Act or done in pursuance of the Powers thereof shall affect the Dean and Chapter of *Westminster* or any Member of that Body, except in so far as relates to their Status as apart from¹ the Governing Body of *Westminster School*, or is herein-before expressly provided with respect to the Property to be appropriated to or for the Use of the said School.

28. Subject to any Alterations made by this Act, or by any Scheme or Statute made in pursuance of this Act, all Powers vested by Act of Parliament, Charter, Instrument of Endowment, Custom, or otherwise, in the existing Governing Body of a School to which this Act applies, in relation to such School or the Government thereof, shall continue in force, and may be exercised by such Governing Body until a new Governing Body is appointed, and after

Saving of
existing
Powers of
Governing
Bodies.

¹ For the words 'apart from', an obvious blunder, the words 'a part of' were substituted by 32 & 33 Vict. c. 58. s. 3 (*infra*).

A. D. 1868. the Appointment of a new Governing Body by the new Governing Body, in the same Manner in which they might have been exercised if this Act had not passed.

[Section 29 relates exclusively to Charterhouse.] .

Extension
of Time for
Governing
Bodies
to make
Statutes.

30. Her Majesty may, by Order in Council, as respects the existing Governing Body of any School to which this Act applies, at any Time before the First Day of *May* One thousand eight hundred and sixty-nine, extend for a Period not exceeding One Month the Time within which such Governing Body may make a Statute for the Alteration of the Constitution of such Governing Body, and, as respects the new Governing Body of any School to which this Act applies, at any Time before the First of *January* One thousand eight hundred and seventy, extend the Time within which such new Governing Body is by this Act empowered to make Statutes to a Period not exceeding the First Day of *January* One thousand eight hundred and seventy-one.

Provision
as to
College
Chapels.

31. The Chapel of every School to which this Act applies shall be deemed to be a Chapel dedicated and allowed by the Ecclesiastical Law of this Realm for the Performance of Public Worship and the Administration of the Sacraments according to the Liturgy of the Church of *England*, and to be free from the Jurisdiction or Control of the Incumbent of the Parish in which such Chapel is situate.

Any Scheme which may be made in pursuance of this Act constituting the Parish of *Eton* a separate Vicarage shall contain Provisions making the existing Chapel of Ease at *Eton* the Parish Church of *Eton*, and exempting the College Chapel from being dealt with as a Parish Church.²

Removal
of Site of
West-
minster
School.

32. Subject to the Conditions in this Act contained with respect to the Forfeiture of Property, the Governing Body for the Time of *Westminster School* may lay a Scheme before Her Majesty in Council for the Removal of the School to some other Site; and any such Scheme shall

¹ See §. 23 and note thereon (*supra*).

be subject to the same Provisions, and, if approved, shall take effect and be subject to Alterations, in the same Manner as Statutes made by a Governing Body: A. D. 1868.

Provided, firstly, that any Scheme made under this Section before the Expiration of the Powers by this Act conferred on the Special Commissioners shall be approved of by them before being laid before Her Majesty in Council; secondly, that the Power of making a Scheme under this Section shall not pass to the Special Commissioners, or cease after the Expiration of the Powers of the Special Commissioners, but shall continue vested in the Governing Body for the Time being of the said School.

31^o & 32^o VICT. CAP. CXXV.

An Act for amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of corrupt Practices at Parliamentary Elections. [31st July 1868.]

3. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,) Interpretation of Terms.

“Borough” shall mean any Borough, University, City, Place, or Combination of Places, not being a County as herein-before defined, returning a Member or Members to serve in Parliament. “Borough:”

31^o & 32^o VICT. Cap. lix.

An Act for the Establishment of a united Constabulary Force in and for the University and City of Oxford.¹ [25th June 1868.]

¹ This Act remained in force until the 1st of January, 1882, when it expired as provided by s. 25, and the Oxford Police Act, 1881 (44 Vict. c. xxxix (*infra*)) came into operation.

A. D. 1868.

WHEREAS the power of Watch and Ward within the University and City of *Oxford* has heretofore been customarily exercised during the Night by the Chancellor, Masters, and Scholars of the University of *Oxford*, and during the Day by the Mayor, Aldermen, and Citizens of the City of *Oxford*: And whereas such Division of Authority has been found very inconvenient and injurious to the Efficiency of the Police within the said University and City: And whereas the said Chancellor, Masters, and Scholars, and Mayor, Aldermen, and Citizens, are respectively desirous to establish a united Police Force, and it is expedient that Provision should be made for that Purpose upon the Terms and subject to the Conditions herein-after appearing: And whereas the Object aforesaid cannot be carried into effect without the Authority of Parliament: May it therefore please Your Majesty that it be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may be cited for all Purposes as "*The Oxford Police Act, 1868.*"

Inter-
pre-
ta-
tion of
Terms.

2. In the Construction of this Act (if not inconsistent with the Context) the Words and Expressions "University," "Chancellor, Masters, and Scholars," "Vice-Chancellor," "Proctors," "Pro-proctors," "Registrar," and "Marshal" shall be respectively understood to refer to the University of *Oxford*; the Words "City," "Mayor," "Town Clerk," and "Borough Fund" shall be understood to refer to the City of *Oxford*; the Expression "the Convocation" shall mean the Chancellor, Masters, and Scholars of the University of *Oxford* in Convocation; the Word "College" shall include *Christ Church*; and the Expression "the Council" shall mean the Mayor, Aldermen, and Citizens of the City of *Oxford* in Council; the Expression "the Watch and Ward Committee" shall mean the Watch and Ward Committee appointed by the Council; the Word "District"

shall mean and include the District of the *Oxford Local Board* as defined by the *Local Government Supplemental Act, 1865*, and as from Time to Time extended; and the Expression "the Local Board" shall mean the *Oxford Local Board*. A. D. 1868.

3. From and after the Thirty-first day of *December* One thousand eight hundred and sixty-eight, the Powers and Duties of the Watch and Ward Committee shall cease, and the Powers of Watch and Ward by Day and Night within the District shall be exercised as follows: there shall be One Constabulary Force for the whole of the District, and the Determination of the Number, the Appointment, Dismissal, and entire Management and Direction of the said Force shall be vested in a Police Committee which shall consist of the Vice-Chancellor and Five Members of the Convocation (herein-after called "University Members") annually appointed by the Convocation, and of the Mayor and Eight Members of the Council (herein-after called "City Members") annually appointed by the Council. Establishment of a united Constabulary Force and Police Committee.

4. The first Appointment of Members of the Police Committee by the Convocation and the Council respectively shall be made on or before the Fifteenth Day of *November* One thousand eight hundred and sixty-eight, and subsequent Appointments shall be made on or before the Fifteenth Day of *November* in each Year; any University or City Member going out of Office shall be capable of forthwith being re-elected; occasional Vacancies in the Police Committee shall be filled up by the Convocation or the Council respectively as they may occur, and the Persons appointed to supply such Vacancies shall continue in Office so long as the Persons whose Places they fill would have remained in Office. Appointment of Members of Police Committee.

5. The Registrar shall from Time to Time with all convenient Speed notify in Writing to the Mayor all Appointments of Members of the Police Committee made by the Convocation; and the Town Clerk shall in like Manner notify in Writing to the Vice-Chancellor all Appointments Appointments by Convocation and Council respectively to be notified.

A. D. 1868. of Members of the Police Committee made by the Council.

Power to
Police
Committee
to appoint
and pay
Officers
and to
make
Rules.

6. The Police Committee may appoint a Clerk and a Treasurer, if necessary, and may pay them reasonable Salaries, and may make such Rules as the Police Committee may think fit with respect to the Meetings of that Committee and the Transaction of its Business: Provided that no Business shall be transacted at any Meeting unless at least Five Members shall be present thereat, and all Questions shall be decided by a Majority of the Votes of those present.

As to Ap-
pointment
of Chair-
man and
Vice-
Chairman
of Police
Commit-
tee.

7. The Police Committee shall yearly at their First Meeting appoint a Chairman and a Vice-Chairman for the Year; if the Chairman so appointed be absent from any Meeting at the Time appointed for holding the same then the Vice-Chairman shall act as Chairman, and if both be absent then the Members present shall appoint One of their Number to act as Chairman thereat; if the Chairman appointed as first aforesaid, or the Vice-Chairman, die, resign, or become incapable of acting, another Member shall be appointed to be Chairman or Vice-Chairman, as the Case may require, for the Period during which the Person so dying, resigning, or becoming incapable would have been entitled to remain in Office, and no longer; the Chairman at any Meeting shall have a Second or Casting Vote in case of an Equality of Votes.

Powers of
Watch and
Ward
Committee
vested in
Police
Commit-
tee.

8. The Powers and Duties now vested in the Watch and Ward Committee shall from and after the said Thirty-first Day of *December* One thousand eight hundred and sixty-eight be vested in the Police Committee; and any Act for which, if done by the Watch and Ward Committee, the Consent or Approbation of the Council would now be required, may be done by the Police Committee without such Consent or Approbation, and the Police Committee shall and may have, exercise, and fulfil within the District, or any Part thereof, the same Rights, Powers, and Duties in respect of Watch and Ward as are now possessed, exercised, and fulfilled by the Chancellor, Masters, and

Scholars, except as hereinafter excepted by Sections Ten A. D. 1868. and Twenty-four of this Act.

9. All the Powers and Authorities now vested in and exercised by the Chancellor, Masters, and Scholars, or their Officers, or by the Council, with respect to the Supervision of Weights and Measures within the District, or any Part thereof, (including the appointment of an Inspector or Inspectors,) shall from and after the said Thirty-first Day of December One thousand eight hundred and sixty-eight cease to be exercised by them the said Chancellor, Masters, and Scholars, and Council, respectively, and shall be vested in and exercised by the Police Committee.¹

10. There shall be provided by the Police Committee a common Police Station within the District for the Purposes of this Act, to which all Persons apprehended shall be taken, and at which all Charges or Complaints shall be made and entered; but the Establishment of such Police Station shall in no way prejudice or affect the respective Jurisdictions of the Vice-Chancellor, and of the Mayor or other Justices of the Peace for the City, in respect of such Charges or Complaints, but such Jurisdictions shall remain; and the Courts or Places of Meeting of the Vice-Chancellor, and Mayor or other Justices, shall, during the Hearing of such Charges or Complaints, be respectively free and open to the Public, without Let or Hindrance. If the University shall desire at their own Expense to retain a separate Station for the Detention of Persons apprehended by the Proctors, a List of all Persons taken to such separate Station and not forthwith released by the Proctors, and of the Charges entered against such Persons respectively, shall be sent to the common Police Station aforesaid on the following Morning, and there shall be written upon such List the Time and Place at which the Vice-Chancellor will sit for hearing the Charges therein mentioned, such Time not being earlier than One Hour after the Delivery of the List.

¹ See as to the powers of the University relating to weights and measures, 5 & 6 Will. 4th c. 63. s. 44, and note thereto (*supra*).

A. D. 1868.
Providing
a Police
Fund.

11. For the Maintenance of the Constabulary Force there shall be a Fund annually contributed by the Chancellor, Masters, and Scholars, and Mayor, Aldermen, and Citizens, in the following proportions; (that is to say,) Two Fifths thereof by the Chancellor, Masters, and Scholars, and Three Fifths thereof by the Mayor, Aldermen, and Citizens.

Applica-
tion of
Police
Fund.

12. The Police Fund shall be at the Disposal of the Police Committee, and shall be applicable to the following Purposes :

- (1.) The Maintenance of the Constabulary Force, and the Payment of all Charges and Expenses properly incurred by the Police Committee in relation thereto :
- (2.) The Payment of Gaol Expenses¹ (including the Salaries of the Chaplain and Surgeon, and other Salaries, Rent, Repairs, Alterations, Rates, and Taxes), and the Expenses of all other Buildings required for Police Purposes :
- (3.) The Payment of the Salaries of the Recorder, Clerk of the Peace, Clerk or Clerks to the Vice-Chancellor (as Justice of the Peace) and the Mayor or other Justices, and the Officers from Time to Time appointed by the Police Committee, and the Cost of Prosecutions for Offences, and other Expenses connected with the Administration of Justice within the District :
- (4.) The Payment of all Expenses properly incurred by the Police Committee in relation to the Supervision of Weights and Measures, including the Salaries of Inspectors :
- (5.) The Payment of all Expenses properly incurred by the Police Committee in carrying this Act into execution not herein expressly provided for.

¹ The liability of the University to contribute to gaol expenses has been commuted under the Prison Act, 1877 (40 & 41 Vict. c. 21) s. 34 (*infra*).

A. D. 1868.

Police
Committee
to prepare
Estimate.

13. The Police Committee shall, between the Fifteenth Day of *November* and the Twenty-fifth Day of *December* in every Year, make an Estimate of the Amount required for the Purposes to which the Police Fund is hereby made applicable for the ensuing Year, commencing on the First Day of *January*, after taking into account all Fees, Payments, Allowances, and other Sums of Money (other than Sums paid by the Chancellor, Masters, and Scholars, and the Mayor, Aldermen, and Citizens, under this and the next following Section), received by the Police Committee during the Year immediately preceding, and shall thereupon give Notice in Writing to the Vice-Chancellor and to the Mayor respectively, specifying in such Notice the total Amount of such Estimate, and the Sum (being such proportionate Part of the said total Amount as aforesaid) which is to be paid by the Chancellor, Masters, and Scholars, and the Mayor, Aldermen, and Citizens, respectively, in Four quarterly Payments; and the Chancellor, Masters, and Scholars, and the Mayor, Aldermen, and Citizens, shall respectively pay or cause to be paid the Sums so charged on them respectively to the Police Committee, or their Treasurer, within Twenty-one Days after the several Days mentioned in such Notices respectively for each quarterly Payment.

How Insuf-
ficiency in
Estimate
to be made
up.

14. If, at any Time after the Delivery of the Notices of the Estimate for the then current Year the Amount so estimated by the Police Committee prove insufficient to defray the Expenses of the Police Committee actually and properly incurred by them during the preceding Part of the Year, or if the Police Committee have reason to anticipate that such Amount will prove insufficient to meet the Expenses which the Police Committee may be properly called upon to incur during the subsequent Part of such Year, the Police Committee may, by like Notice in Writing to the Vice-Chancellor and the Mayor, specify the Sums necessary to be paid by them respectively in order to make good such Deficiency; and the Chancellor, Masters, and Scholars, and the Mayor, Aldermen, and Citizens, respec-

A.D. 1868. tively, shall pay or cause to be paid the Sums so charged on them respectively in so many Payments as there are quarterly Days in the unexpired Portion of the Year, the First Payment being made on the First Day after the Delivery of the Notice specifying the same on which any quarterly Payment of the Amount originally estimated becomes payable: Provided that any Money which may be received by the Police Committee, under this or the last preceding Section, in excess of the Amount which the Police Committee shall at the End of the Year, in respect of which the same was received by them, have actually and properly expended in that Year, shall be taken into account by the Police Committee in their Estimate for the following Year.

As to the
Payment of
the Uni-
versity
Contribution to the
Police
Fund.

15. The proportionate Part of the Police Fund to be contributed and paid by the Chancellor, Masters, and Scholars, shall be paid by the Vice-Chancellor out of the Corporate or General Funds of the University; and if such Funds, upon an Estimate thereof made in such Manner as the University may from Time to Time provide, shall appear to be insufficient for Payment of the said proportionate Part, the Amount of the estimated Deficiency, shall, not less than Fourteen Days before the making of the then next General District Rate, be notified by the Vice-Chancellor in Writing under his Hand to the Clerk to the Local Board, who shall cause such Amount, together with any actual or estimated Expenses attending the raising thereof, to be laid before the Local Board under the title "University Police Expenses" at the same Time as the Estimate for such next General District Rate; and the same Amount shall be assessed by an equal Pound Rate on all the rateable Property belonging to the Chancellor, Masters, and Scholars, and the several Colleges and Halls of the University, in exclusion of all other Property in the District liable to such General District Rate; and the said Amount having been so assessed shall be added to that Portion of the said General District Rate which is leviable on the said Properties of the Chancellor, Masters, and Scholars, Col-

leges and Halls; and the same Amount, together with the A. D. 1868.

• Portion leviable as last aforesaid, shall be inserted in One Sum in the Columns of the Rate Book of the Local Board under the Head of the General District Rate; and the aggregate Sum so inserted shall be levied and recoverable as the General District Rate, and by the Means Provided for raising the same Rate.

16. The proportionate Part of the Police Fund to be contributed and paid by the Mayor, Aldermen, and Citizens shall be paid by them out of the Borough Fund; and if upon an Estimate of such Fund, and of all other Charges payable thereout, the Council shall be of opinion that it will be insufficient (after satisfying such other Charges) for Payment of the said proportionate Part, the Amount of the estimated Deficiency shall, not less than Fourteen Days before the making of the then next General District Rate, be notified by the Mayor in Writing under his Hand to the Clerk to the Local Board, who shall cause such Amount, together with any actual or estimated Expenses attending the raising thereof, to be laid before the Local Board under the Title "City Police Expenses" at the same Time as the Estimate for such next General District Rate; and the same Amount shall be assessed by an equal Pound Rate on all Property (other than rateable Property belonging to the Chancellor, Masters, and Scholars, and the several Colleges and Halls of the University) in respect of which the General District Rate may from Time to Time be leviable; and the said Amount having been so assessed shall be added to that Portion of the said General District Rate which is leviable on the said Property (other than Property belonging to the Chancellor, Masters, and Scholars, Colleges and Halls); and the same Amount, together with the Portion leviable as last aforesaid, shall be inserted in One Sum in the Columns of the Rate Book of the Local Board under the Head of the General District Rate; and the aggregate Sum so inserted shall be levied and recoverable as the General District Rate, and by the Means provided for raising the same Rate.

As to Payment of the City Contribution to the Police Fund.

A. D. 1868.

Police
Expenses
to be paid
to Police
Committee.

17. All Monies to be raised as aforesaid by the Local Board for University Police Expenses and City Police Expenses respectively shall, when and as collected, be paid by the Local Board to the Police Committee of their Clerk or Treasurer, and the Receipt of the Clerk or Treasurer shall be a sufficient Discharge to the Local Board and its Officers; and no Person liable to the Payment of any Sum for Police Expenses under this Act shall, during the Continuance of such Liability, be liable to any Payment for like Purposes leviable under any other Authority.

Certain
Monies
received
by Police
Committee
to be
carried to
Credit of
Police
Fund.

18. All Fees, Allowances, and other Sums in reference to Matters of Police, Prosecutions, Maintenance of Prisoners, and the Administration of Justice generally, which may be payable in any Year, (except such as are by any Act or Acts from Time to Time in force required to be paid into any Superannuation Fund for the Benefit of the Police Force which may be established under the Authority of such Acts,) and also all Fees and Payments in respect of Weights and Measures, shall be paid to the Police Committee, and carried by them to the Credit of the Police Fund, and shall be taken into account by them in preparing their Estimate for the next ensuing Year.

Extending
16th Sec.
of 19 & 20
Vict. c. 69.
to Police
Force
established
under this
Act.

19. For the purposes of the Sixteenth Section of the Act of the Nineteenth and Twentieth Years of Her present Majesty, Chapter Sixty-nine, intituled *An Act to render more effectual the Police in Counties and Boroughs in England and Wales*, the Police Force established under the Provisions of this Act shall be deemed to be the Police of a Borough established under the Provisions of the said Act of the Nineteenth and Twentieth Years of Her present Majesty, and the Acts therein recited and referred to.¹

Police
Committee

20. The Police Committee shall keep true and accurate Accounts of all their Receipts and Expenditure, and such

¹ By 19 & 20 Vict. c. 69. s. 16, upon the certificate of a Secretary of State that the police of any county or borough established under that Act and the Acts therein referred to has been maintained in a state of efficiency in point of numbers and discipline for the year ending the 30th of September then last past, the Treasury are authorized to pay from time to time towards the expenses of such police for such year a sum not exceeding one fourth of the charge for pay and clothing.

Accounts shall be audited and examined once a Year in the Month of *January* by Two Auditors, of whom one shall be nominated by the Vice-Chancellor and Proctors, and approved by the Convocation, and is herein-after called "the University Auditor," and the other shall be nominated by the Council, and is herein-after called "the City Auditor;" and the Police Committee shall, after every such Audit, cause a full Abstract of such Accounts to be printed, and Copies thereof to be delivered to the Vice-Chancellor and to the Mayor respectively.

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to keep
Accounts,
and same
to be
audited.

21. The University Auditor and the City Auditor respectively shall be appointed between the Fifteenth Day of *November* in each Year and the First Day of *January* next ensuing (the latter Day being reckoned inclusively), and shall hold Office from the First Day of *January* in every Year until and including the First Day of *January* in the ensuing Year; and occasional Vacancies in the Office of University Auditor shall, as soon as may be after they occur, be filled up by the Vice-Chancellor and Proctors, with the Approval of the Convocation, and occasional Vacancies in the Office of City Auditor shall, as soon as may be after they occur, be filled up by the Council; and the Persons appointed to supply such Vacancies shall continue in Office until and including the First Day of *January* succeeding their Appointment. The Registrar shall from Time to Time notify in Writing to the Town Clerk all Appointments of University Auditors, and the Town Clerk shall in like Manner notify to the Registrar all Appointments of City Auditors, and no such Auditor shall enter upon his Office until such Notification has been made.

Regulating
the Ap-
pointment
of Audi-
tors.

22. In case any Claim shall be made on the Inhabitants of the City under the Act of the Seventh and Eighth Years of King *George* the Fourth, Chapter Thirty-one, or under any other Act or Law heretofore made or hereafter to be made relating either to Riots or malicious Injuries, for Compensation to any Person or Corporation by reason of Damages sustained by such Person or Corporation in consequence of any Riot or malicious Injury, the Police Fund shall be the Fund from which such Compensation shall be made.

Claims for
Compensa-
tion to be
paid out of
Police
Fund.

A. D. 1868.

Prohibit-
ing public
exhibi-
tions.

23. No public Exhibition or Performance, whether theatrical or not, other than Performances in Theatres which are regulated by the Act of the Sixth and Seventh Years of Her present Majesty, Chapter Sixty-eight, shall take place within the District unless with the Consent in Writing of the Vice-Chancellor and the Mayor, or (during the academical Vacations intervening between *Trinity* and *Michaelmas* Terms and between *Michaelmas* and *Lent* Terms respectively) with the Consent in Writing of the Mayor; and every Person who shall offend against this Enactment shall be liable to a Penalty of not exceeding Twenty Pounds for every Offence, recoverable in like Manner as Penalties imposed by the said Act.

Saving
Jurisdic-
tions of the
University
and City.

24. Nothing in this Act contained shall affect the Jurisdiction of the University, or of the Chancellor or Vice-Chancellor thereof, as it now by Law exists, nor the Jurisdiction of the City, or of the Mayor, as it now by Law exists, nor the Powers of the University now exercised by the Proctors; and the Proctors, Pro-Proctors, and their Servants, including the Marshal, shall not be deemed to be included within the Constabulary Force to be appointed under the Provisions of this Act: Provided, that the Chancellor or Vice-Chancellor shall not, during the Continuance of this Act, appoint any Persons as Constables under the Provisions of the Act of the Sixth Year of King *George* the Fourth, Chapter Ninety-seven,¹ other than Proctors Servants (including the Marshal) and Special Constables.

Continu-
ance of
Act.

25. This Act shall continue in force until the First Day of *January* One thousand eight hundred and eighty-two, and no longer, unless Parliament in the meantime otherwise provides.

Expenses
of Act.

26. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid in equal Moieties by the Chancellor, Masters, and Scholars, and the Mayor, Aldermen, and Citizens.

¹ *Supra.*

